

UNITED STATES BANKRUPTCY COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION

In re:

23ANDME HOLDING CO., *et al.*,¹

Debtors.

Chapter 11

Case No. 25-40976-357

(Jointly Administered)

Related Docket Nos. 30, 574, 718 & 771

REPORT OF PROFESSOR FRED H. CATE

I, Professor Fred H. Cate, hereby declare under penalty of perjury:

1. As discussed in additional detail below, I am, among other things, a Distinguished Professor, C. Ben Dutton Professor of Law, and Adjunct Professor of Informatics and Computing at Indiana University. I submit this report (this “Report”) in support of entry of the proposed *Order (I) Approving (A) The Debtors’ Entry Into The Sale Transaction Documents, (B) The Sale to The Purchaser of The Acquired Assets Free and Clear of all Liens, Claims, Interests, and Encumbrances, and (C) The Assumption and Assignment of Certain Executory Contracts and Unexpired Leases; (II) Authorizing The Debtors to Consummate Transactions in Connection Therewith; and (III) Granting Related Relief* (the “Sale Order”).²

2. Except as otherwise indicated herein, all of the facts set forth in this Report are based upon my personal knowledge, my review of relevant documents, the information provided

¹ The Debtors in each of these cases, along with the last four digits of each Debtor’s federal tax identification number, are: 23andMe Holding Co. (0344), 23andMe, Inc. (7371), 23andMe Pharmacy Holdings, Inc. (4690), Lemonaid Community Pharmacy, Inc. (7330), Lemonaid Health, Inc. (6739), Lemonaid Pharmacy Holdings Inc. (6500), LPharm CS LLC (1125), LPharm INS LLC (9800), LPharm RX LLC (7746), LPRXOne LLC (3447), LPRXThree LLC (3852), and LPRXTwo LLC (1595). The Debtors’ service address for purposes of these chapter 11 cases is: 870 Market Street, Room 415, San Francisco, CA 94102.

² Capitalized terms used but not defined herein shall have the meanings ascribed to such terms in the Sale Order.

to me by professionals involved in advising the Debtors in these chapter 11 cases, or information provided to me by the Debtors. If called upon to testify, I could and would testify to the facts set forth herein on that basis. I am over the age of 18 years, and I am authorized to submit this Report.

Introduction

A. Overview

3. The privacy aspects of this proceeding are important but straightforward. Congress has provided that sales governed by Section 363 of the Bankruptcy Code that do not involve a policy “prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor” that “is in effect on the date of the commencement of the case” and disclosed to consumers may go forward without any further consideration of privacy.³ That is the case here. The Bankruptcy Code respects the choices that consumers have already made and recognizes the importance of bringing bankruptcies to a successful conclusion that protects the interests of all of the parties involved. To encourage speed, efficiency, consistency, and fairness, the Bankruptcy Code prohibits consideration of “nonbankruptcy” laws in this situation.

4. Congress provided two other avenues for resolving privacy issues in bankruptcy cases that are not necessary here, but under which the proposed sale of consumer personal information held by a debtor should nevertheless be permitted. They both apply in cases in which the debtor had a policy, which is not the case here, “prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor” that “is in effect on the date of the commencement of the case.”⁴ Under Bankruptcy Code Section

³ 11 U.S. Code § 363(b).

⁴ *Id.*

363(b)(1)(A), Congress permits the sale if it is nevertheless “consistent with such policy.”⁵ Congress’ preference for allowing personal data to be included responsibly in bankruptcy proceedings thus is so great that it permits that information be transferred to a third party, even if there was a promise not to, solely on the authority of the Bankruptcy Code and without consideration of other federal or state laws, if the sale is otherwise consistent with the privacy policy.

5. The third option, and the only one under which consideration of other federal or state laws may be appropriate, is for the court to appoint a Consumer Privacy Ombudsman (“CPO”) and then approve the sale if it gives “due consideration to the facts, circumstances, and conditions of such sale” and finds that “no showing was made that such sale ... would violate applicable nonbankruptcy law.”⁶ Congress provides specific questions to be addressed and limits the information necessary to addressing those questions. In the present case, the parties have stipulated to a broader scope of a CPO report and the CPO has provided an exhaustive academic report, but the fundamental considerations around a proposed sale anticipated by Congress and further developed by the Federal Trade Commission (the “FTC”) remain the same:

- a. the information was sold as part of a package with the debtor’s other assets;
- b. the buyer was in the same line of business as the debtor;
- c. the buyer agreed to comply with [debtor’s] privacy policy with respect to the purchased customer information; and
- d. the buyer agreed to notify the affected customers and obtain their affirmative consent before using their personal information for any new uses not contemplated by the existing privacy policy.⁷

⁵ *Id.* § 363(b)(1)(A).

⁶ *Id.* § 363(b)(1)(B).

⁷ FTC Announces Settlement with Bankrupt Website, Toysmart.com, Regarding Alleged Privacy Policy Violations, FTC: Press Releases (July 21, 2000), <https://www.ftc.gov/news-events/press-releases/2000/07/ftc->

6. These were established by the FTC in 2000 and have been applied consistently since then, most recently in a letter from the FTC Bureau of Consumer Protection in 2024 concerning the present case. All four conditions are met and, in fact, exceeded.

7. The CPO and some state attorneys general prefer a different approach to that laid out by Congress and the FTC, one that requires additional opt-in consent in addition to prior opt-in consent and a pattern of opt-out consent in the Debtors' business both before and after the bankruptcy proceedings commenced. This policy preference is contrary to the demonstrated behavior of the Debtors' customers and seems to reflect a disregard for their intelligence or sincerity, or perhaps a belief—reflected in numerous press releases and press statements by certain state attorneys general and politicians urging consumers to delete their data held by the Debtors—that consumers have made the “wrong” choice.

8. The law is not so skeptical and recognizes that the practical obstacles to requiring each of more than 13 million customers to, for a second time, affirmatively express their views are insurmountable. What the CPO and state attorneys general appear to seek, wittingly or not, is the unnecessary elimination of the Debtors' business and the jobs, services, and benefits they provide, based on skepticism about the choices the affected consumers have made. This is not in the public interest, not consistent with bankruptcy law, and certainly not necessary to protect the privacy—and other—interests at stake here.

B. Qualifications and Experience

9. I am a Distinguished Professor, C. Ben Dutton Professor of Law, and Adjunct Professor of Informatics and Computing at Indiana University. For 35 years I have researched,

announces-settlement-bankrupt-website-toysmartcom-regarding; Letter from Samuel A.A. Levine, Director, FTC Bureau of Consumer Protection, to Anne Wojcicki, Chief Executive Officer, 23andMe Holding Company, Oct. 24, 2024.

taught, and advised government and private organizations in the fields of privacy, security, and information law and policy. I have testified regularly on information privacy and security issues before U.S. congressional committees and provided advice on these matters to the White House, the U.S. Department of Health and Human Services, the U.S. Department of Homeland Security, the U.S. Department of Defense, and the U.S. Federal Trade Commission. I have also served as a CPO in United States bankruptcy courts in Indiana, Kentucky, and Missouri.

10. I served as founding director for Indiana University's Center for Law, Ethics & Applied Research in Health Information, a health information policy center created as a joint venture between Indiana University's schools of Law, Medicine, and Informatics and Computing, and of Indiana University's Center for Applied Cybersecurity Research, a National Center of Academic Excellence in Information Assurance Research and Information Assurance Education, where I am now a senior fellow. From 2015 until 2023, I was Indiana University's Vice President of Research, overseeing research development, funding, and compliance throughout Indiana University, including for the university's School of Medicine, the nation's largest medical school.

11. I served as Principal Investigator for the National Cancer Institute's grant, Protecting Privacy in Health Research (RC1 CA146501-01), which recommended changes, subsequently adopted by Congress, in federal privacy and human subject protection laws. I also served as vice chair of the Health Law Electronic Communications and Privacy Group of the American Bar Association, a member of the OECD's Panel of Experts, and chair of the United States National Academies of Science, Engineering, and Medicine's study on Law Enforcement and Intelligence Access to Encrypted Content and the International Telecommunication Union's High-Level Experts on Electronic Signatures and Certification Authorities.

12. I am also a co-founder of Red Barn Strategy, a strategic consulting firm that partners with government and private organizations to advance responsible data stewardship, and executive director of the Information Accountability Foundation, a not-for-profit think tank focused on information governance and accountability. I have been elected to membership in the American Bar Foundation, American Law Institute, and the Council on Foreign Relations, and am licensed to practice law in California, the District of Columbia, Indiana, and before the United States Supreme Court.

13. I was asked by the Debtors to review and respond to the discussion contained in the Final CPO Report.

14. My curriculum vitae, including past publications and judicial testimony, is attached hereto as **Exhibit A**.

C. Compensation

15. I am being compensated for my work in this matter at the rate of \$800 per hour plus reasonable travel expenses. My compensation is not conditioned on the substance of my testimony or outcome of this proceeding.

The Relevant Privacy Framework In Section 363 Sales

A. Where Notices Do Not Prohibit Transfers to Unaffiliated Third Parties

16. Bankruptcies may well be complicated, but the privacy issues they present generally are not. Despite the public controversy, that is certainly the case here. Congress provided a clear path for evaluating Bankruptcy Code Section 363 sales involving personal information. If the proposed sale does not involve a policy “prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor” that “is in effect on the date of the commencement of the case,” then the Trustee may proceed with the

sale of assets without any further consideration of privacy.⁸ No CPO is required because if the sale is not inconsistent with the privacy policy to which consumers agreed, Congress has concluded no privacy issues under federal or state law need to be considered. The Bankruptcy Code controls. That is the case here.

17. The Debtors' privacy policy in place since 2007 provides that personal data could be transferred in connection with a change in control transaction—exactly what is proposed here. It does not matter how many times the policy has been amended or how frequently the Debtors' customers log into their accounts. By the time of the Debtors' Petition Date, the word “bankruptcy” had been added to the policy. But this too makes little difference. The policy in place on the Petition Date, and for almost 20 years before that, explicitly recognized that data could be transferred in connection with a sale of the business.

18. There are no grounds for any claim that the policy at any time “prohibit[ed] the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor.”⁹ As a result, no CPO, no privacy review, and no consideration of other laws relating to privacy are necessary or required here.

19. The CPO ignores this inquiry by arguing not from law, but from law reviews: “Consistent with the academic literature on how consumers reasonably understand privacy terms,” the CPO interprets “the Debtor’s privacy policies broadly, to include the full sweep of privacy representations and promises that the Company has made to its customers.”¹⁰ As the CPO appears to acknowledge, there is no basis in law for this claim. (The Final CPO Report refers to the “academic literature” ten times to question or suggest altering provisions of privacy law).

⁸ 11 U.S. Code § 363(b).

⁹ *Id.*

¹⁰ Final CPO Report at 36-7.

20. I do not believe the claim is correct in any event. There are numerous law review articles and reports examining privacy practices that limit themselves to privacy policies themselves, starting with the FTC's own 1998 and 2000 reports to Congress on the state of online privacy, which were based on surveys of commercial privacy policies.¹¹ In fact, until this proceeding, I was unaware of a real-world example of anyone interpreting "privacy policy" to mean everything a company communicated about privacy. It is challenging to try to imagine how that would square with the practice of treating the terms of privacy notices as governing consumers' privacy rights, if those terms could then be modified by press releases and speeches. In the present case, all users check a box affirmatively agreeing that they have read and agree to the privacy policy as a condition of opening an account, and therefore explicitly made their privacy policy a binding commitment. It is untenable to argue that every future statement about privacy unilaterally amended or modified the terms customers previously acknowledged and accepted.

21. But the argument about trying to interpret "policy" to mean anything else also does not seem to be relevant here. It is important to remember that the Bankruptcy Code does not require that there be explicit (or consistent) notice that personal data may be sold. It only requires, as the two conditions for avoiding the need for further privacy review, that "if the debtor in connection with offering a product or a service discloses to an individual a policy prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor" and "if such policy is in effect on the date of the commencement of the case"¹² then further privacy review may be required. There is no evidence that this was the case here.

¹¹ See, e.g., FTC, *Privacy Online* (2000), <https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-fair-information-practices-electronic-marketplace-federal-trade-commission-report/privacy2000.pdf>; FTC, *Privacy Online* (1998), <https://www.ftc.gov/sites/default/files/documents/reports/privacy-online-report-congress/priv-23a.pdf>.

¹² 11 U.S. Code § 363(b).

Quite the contrary, the policy in place at the commencement of the case and since 2007 was that personal data could be sold in connection with a sale of other assets. Ironically, despite the length of the Final CPO Report and the stated desire to expand the meaning of privacy policy, at no point does the CPO conclude that any of the Debtors' policy documents, web language, or public statements established a policy "prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor" that "is in effect on the date of the commencement of the case,"¹³ that would require appointment of a CPO or the consideration of any other federal or state privacy law. Given the singular importance of such a conclusion to the operation of the Bankruptcy Code's privacy provisions, its absence is striking.

B. Had There Been a Policy Prohibiting the Transfer of Personal Information to Unaffiliated Third Parties

22. If the Debtors had a policy, which is not the case here, "prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor" that "is in effect on the date of the commencement of the case,"¹⁴ then Congress has two additional routes for the privacy process to follow. The first is consideration whether the sale is otherwise "consistent with such policy."¹⁵ In other words, Congress provides that even if the debtor has in place a policy "prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor" that "is in effect on the date of the commencement of the case,"¹⁶ the personal information may nevertheless be transferred to a third party under the Bankruptcy Code and without consideration of other federal or state laws if the transfer is otherwise consistent with the privacy policy.

¹³ *Id.*

¹⁴ *Id.*

¹⁵ *Id.* § 363(b)(1)(A)

¹⁶ *Id.*

23. The second route is for the court to appoint a CPO and then approve the sale if it gives “due consideration to the facts, circumstances, and conditions of such sale” and finds that “no showing was made that such sale ... would violate applicable nonbankruptcy law.”¹⁷ It is this situation, not present here, for which Congress created the CPO position. Congress charged the CPO with determining (a) “the potential losses or gains of privacy to consumers” if a sale in bankruptcy that includes personal data and that contradicts the existing privacy policy is approved; (b) “the potential costs or benefits to consumers if such sale” is approved; and (c) “the potential alternatives that would mitigate potential privacy losses or potential costs to consumers” in the event of a sale contradicting the debtor’s privacy policy.¹⁸ To narrow these inquiries, Congress restricts the CPO to “the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information.”¹⁹ The Bankruptcy Code reiterates this point by providing for the touchstone of the inquiry (and, in fact, the only factual thing that Congress thought worth specifying) to be presented to the court is the “debtor’s privacy policy.”²⁰ Everything turns on that.

24. So if there is no policy in effect on the date the bankruptcy commences prohibiting the sale of personal data to unaffiliated third parties, there is no need for a CPO or further privacy inquiry. If such a policy is in place, then the sale of personal data should still be approved if it is otherwise consistent with the debtor’s privacy policy. Alternatively, a CPO may be appointed to assist the court in determining how consistent the privacy protection resulting from the buyer’s privacy policy (and presumably intent and ability to enforce it) is with that of the debtor’s. If the

¹⁷ *Id.* § 363(b)(1)(B).

¹⁸ *Id.* § 332(b).

¹⁹ *Id.* § 332(b).

²⁰ *Id.* § 332(b)(1).

proposed sale will result in personal data being protected by an identical or substantially similar privacy policy, all is well. Then the only remaining inquiry, and it is only available under the Bankruptcy Code if neither of the prior two options has been followed, is whether a showing was made that the sale of assets violates other “applicable” laws. If the laws do not apply to the data or the sale, then they do not matter.

C. The Importance of Privacy Policies and Transfers of Data through Bankruptcy, and the Resulting Limits on Inquiries by CPOs

25. This all makes sense given the case that gave rise to the amendments to Section 363. Toysmart, an online company whose major asset was information on children (including names, addresses, billing information, and birthdates), indicated that it would sell that information as part of a Chapter 11 bankruptcy despite having a privacy policy that promised “never” to share the information with third parties.²¹

26. The FTC, the nation’s primary federal privacy regulator, sued Toysmart. The case was settled. Under the terms of settlement, the FTC allowed Toysmart to sell its customer information in the bankruptcy provided that (a) the information was sold as part of a package with the debtor’s other assets; (b) the buyer was in the same line of business as the debtor; (c) the buyer agreed to comply with Toysmart’s privacy policy with respect to the purchased customer information; and (d) the buyer agreed to notify the affected customers and obtain their affirmative consent before using their personal information for any new uses not contemplated by the existing privacy policy.²²

²¹ Complaint for Permanent Injunction and Other Equitable Relief at Ex. 1, *Fed. Trade Comm’n v. Toysmart.com, Inc.*, No. 00-11341 (D. Mass. July 23, 2004) (“Personal information voluntarily submitted by visitors to our site, such as name, address, billing information and shopping preferences, is never shared with a third party.”).

²² FTC Announces Settlement with Bankrupt Website, Toysmart.com, Regarding Alleged Privacy Policy Violations, FTC: Press Releases (July 21, 2000), <https://www.ftc.gov/news-events/press-releases/2000/07/ftc-announces-settlement-bankrupt-website-toysmartcom-regarding>.

27. We see the core consistency between the FTC’s settlement with Toysmart and Congress’ creation of the CPO provisions. If the privacy policy in place does not prohibit the sharing or sale of information with third parties, no problem. If it does, then this can be remedied even when sensitive information about children is involved by selling the data with the debtor’s other assets, to a buyer who intends to use them in a similar way, consistent with the existing privacy policy—exactly what is proposed here.

28. This remains the FTC’s position today, as indicated by the October 24, 2024 letter to the Debtors’ founder and former Chief Executive Officer from the FTC Bureau of Consumer Protection specifying the FTC’s preference for any sale of consumer personal information to follow the same terms as provided in the Toysmart settlement more than 20 years earlier.²³ The consistency is striking, and was reiterated in a March 31, 2025, letter from FTC Chair Andrew N. Ferguson, stating that the sale of consumer data must adhere to the Debtors’ privacy policy and applicable law.²⁴ Interestingly, the chair’s letter did not include the other conditions from the Toysmart settlement of the Bureau of Consumer Protections, focusing instead on consistency with the existing privacy policy, which, as I have noted, is Congress’ central focus in bankruptcies involving personal data—not what do experts think consumers should get, but rather what have they been promised.

29. As a result, in all of the bankruptcy cases with which I am familiar as a scholar or having served in the CPO role myself, in the absence of an express commitment in a privacy policy not to sell data to a third party, there is no requirement for a CPO or further privacy-related inquiry.

²³ Letter from Samuel A.A. Levine, Director, FTC Bureau of Consumer Protection, to Anne Wojcicki, Chief Executive Officer. 23andMe Holding Company, Oct. 24, 2024.

²⁴ Letter from Andrew N. Ferguson, Chairman, FTC, to Jerry Jensen, Acting U.S. Trustee, et al, Mar. 31, 2025, https://www.ftc.gov/system/files/ftc_gov/pdf/23andme-letter-ferguson.pdf.

If there is such a promise, then the primary inquiry becomes one of consistency between the old line of business and privacy policy and the new ones.²⁵ Where they are substantially similar, the work of the CPO is done unless there are other laws affecting the sale of data that are applicable. Congress left no room for imagining a better world, seeking to impose best practices, or expressing one's own preferences. A CPO report, unlike law review articles reflecting the author's policy preferences and recommendations, should be constrained by the legal requirements and the competing interests with which bankruptcy courts are involved every day.

D. The Present Proceeding

30. In the present case, the parties stipulated to a broader scope in terms of the Final CPO Report. They are free to do so, but it is vital to distinguish between those elements required by the law.²⁶ The Final CPO Report goes far beyond the areas of inquiry and the material—"the facts, circumstances, and conditions of the proposed sale or lease of personally identifiable information"—specified by the Bankruptcy Code.²⁷ As a result, the CPO's conclusions and recommendations are also outside of the scope of the Bankruptcy Code. Moreover, they directly contradict the preference expressed in the Bankruptcy Code for sales of personal information that are not prohibited by applicable privacy policy, as is the case here. The Final CPO Report also contradicts longstanding considerations favoring sales of personal data in connection with a debtor's other assets, to a buyer operating the same line of business, under a policy consistent with the debtor's—all of which are present here as well.

²⁵ See, e.g., *In re: Monroe Hospital, LLC*, Case No. 14-07417-JMC-11 (Bankr. S.D. Ind. 2014); *In re: David N. King, DDS, PC*, Case No. 12-40557-abf-11 (Bankr. W.D. Mo. 2012); *In re: Critical Access Health Services Corp.*, Case No. 09-92085-BHL-11 (Bankr. S.D. Ind. 2010).

²⁶ *In re 23andMe Holding Co., et al*, Case No. 25-40976-357, Joint Stipulation and Agreed Order Directing the United States Trustee to Appoint a Consumer Privacy Ombudsman, Apr. 29, 2025.

²⁷ 11 U.S. Code § 363(b)(1)(B)(i).

31. In fact, in this case, the Bidding Procedures specified that bidders' privacy policies must adhere to the Debtors', and the Purchase Agreement²⁸ goes even further to require Purchaser and its affiliates to:

- a. comply with the Debtors' privacy policies and statements, consent documents, and all Privacy Laws;
- b. process all Customer Data (as defined in the Purchase Agreement) in accordance with user consents, privacy policies and statements, terms of service, and notices in effect on the date of the Purchase Agreement (collectively "Current Notices"), in each case, in compliance with applicable Privacy Laws (as defined in the Purchase Agreement);
- c. employ appropriate security controls and procedures (technical, operational, and managerial) to protect Customer Data that comply with applicable Privacy Laws; and
- d. before any use of Customer Data for any purpose not contemplated by the Current Notices (i) inform all data subjects whose Personal Information will be impacted by providing them modified Current Notices that describe the new purpose, (ii) to the extent required under applicable Privacy Laws, obtain each data subject's consent in the form required under applicable Privacy Laws, and (iii) take all other actions required under the Current Notices and applicable law (including all applicable Privacy Laws).²⁹

32. The Purchase Agreement goes on to specify that "[f]or the avoidance of doubt, notwithstanding any applicable law or anything contained herein, Purchaser and its Affiliates shall comply with the Voluntary Consumer Protection and Privacy Safeguards Term Sheet attached as Exhibit D hereto."³⁰

33. In my view, it is difficult to imagine a more perfect "belt and suspenders" approach to privacy protection during a bankruptcy sale. Under the Bankruptcy Code, in the absence of any promise not to sell personal data to third parties, no additional protections are required. Should

²⁸ The Asset Purchase Agreement, dated as of May 17, 2025, by and among 23andMe Holding Co., the other Debtors party thereto, and Regeneron Pharmaceuticals, Inc. has substantially the same provisions provided in this paragraph 30 (a)-(d) as the Purchase Agreement.

²⁹ Purchase Agreement § 7.11.

³⁰ *Id.*

there be such a promise, and there is not here, then the Purchase Agreement not only meets the requirements in the Bankruptcy Code, but goes substantially further.

The Role and Mechanics of Consent

34. The CPO wants more than the law contemplates. He writes: “Putting aside the issue of whether consent is legally required, as a best practice and privacy safeguard, the optimal solution from a consumer privacy perspective would be to mandate the Company to obtain separate, affirmative consent from its customers in order to sell their data to either bidder.”³¹ I found this statement both transparent and entirely consistent with the CPO’s distinguished scholarship, but beyond the scope of what a CPO report to a bankruptcy court should endeavor to do. It is also, in my view, contrary to most of the available evidence.

A. The CPO’s Assertion Contradicts the Wide Consistency of United States Privacy Law

35. Congress has repeatedly faced the question of when consent should be required as a tool to protect privacy and whether that consent should be affirmative (“opt-in” consent) or implied from inaction (“opt-out” consent). From this nearly unbroken experience, it is clear that Congress does not share the CPO’s preference. It does not require opt-in consent for collection, use, sharing, or other processing of personal data in connection with financial transactions, health services or payment, credit reporting, direct marketing, or, as noted, bankruptcy.³²

36. I discuss below why most lawmakers reject broad requirements for opt-in consent; my point here is to note simply that they do, exactly as the FTC rejected opt-in consent in its Toysmart settlement and in subsequent communications regarding the present case.

³¹ Final CPO Report, *supra*, at 8.

³² *See, e.g.*, Gramm-Leach-Bliley Act, 12 U.S.C. § 502(a); Fair Credit Reporting Act, 15 U.S.C. § 1681u(a); Telephone Consumer Protection Act, 47 U.S.C. § 227; Standards for Privacy of Individually Identifiable Health Information, 45 C.F.R. pt. 160, §§ 164.502, 164.506; 11 U.S. Code §§ 332, 363(b).

B. The Reality of Opt-in

37. The CPO, like other proponents of opt-in, argues that requiring explicit consent for the use of personal information gives consumers greater privacy protection than an opt-out system. But, in fact, both opt-in and opt-out give consumers the final say about whether their personal information is used. Neither approach gives individuals greater or lesser rights than the other. Under both systems, the customer makes the final and binding determination about data use. However, there is a stark difference between the opt-in and opt-out systems in terms of their cost and impact.

38. Few consumers respond to opt-in opportunities, even if they want the product or service being offered. This is well documented in the literature and by shared experience.³³ For example, even opportunities like free credit monitoring services following a breach rarely have greater than single digit response rates. In focus groups about caregivers' and patients' views of personal health information, conducted by the National Health Council, the greatest harm identified was not wanting to be contacted at home requesting consent to use the data.³⁴ Consumers do not like opt-in requests out of the blue and they do not respond to them.³⁵

39. Especially in a case like the present one, where consumers have already opted in to the use of their data that includes a sale, what are they to make of a new request asking them to consent again? Is it fraud? Is it harassment? Is it a hidden effort to sell something? Is it any more meaningful than the initial opt-in consent already provided that the CPO is now recommending

³³ See, e.g., Michael E. Staten & Fred H. Cate, "The Impact of Opt-in Privacy Rules on Retail Credit Markets: A Case Study of MBNA," 52 Duke Law Journal 745 (2003).

³⁴ National Health Council, The HIPAA Privacy Rule: A Focus Group Exploration of Patient/Caregiver Perspectives (2012).

³⁵ See, e.g., Fred H. Cate, "The Failure of Fair Information Practice Principles," in Jane K. Winn, ed., *Consumer Protection in the Age of the 'Information Economy'* 341 (Ashgate, 2006).

that the Court and consumers ignore? And what happens when those requests keep coming, as they must? Because under an opt-in system the Purchaser has no choice but to keep asking because it is not allowed to infer anything from silence.³⁶

40. Opt-out, by contrast, especially when layered on top of the existing opt-in, provides a way forward. Consumers receive notices. Those who care, act on them. The failure to act of those who do not does not deprive them of an opportunity or create a bind for the companies about what to do with their data.

41. Repeated articles, studies, and reports have shown that the burden of requiring opt-in, other than when opening an account or the customer is otherwise seeking a service, is so great that it often acts the same way that a prohibition would.³⁷ Opt-in ignores the fact that the communications channels with customers are always asymmetric. The company has to try to track down, contact, and provoke a response from each consumer individually. A consumer, by contrast, can more consistently reach a company through fixed physical and electronic addresses, web sites, 800-numbers, and other means. A message left for a company is likely to be returned, especially if the company is under the oversight of a bankruptcy court. A message left for a consumer is a shot in the dark. And repeated messages often feel like harassment. The effect of this asymmetry is so great that companies have found that even getting a customer to reach out with a complaint provides for a longer-term better relationship than having the customer ignore many messages asking the customer to contact the company.³⁸

³⁶ See, e.g., Institute of Medicine, *Beyond the HIPAA Privacy Rule: Enhancing Privacy, Improving Health through Research* (2009), <https://nap.nationalacademies.org/catalog/12458/beyond-the-hipaa-privacy-rule-enhancing-privacy-improving-health-through>.

³⁷ See, e.g., Alan McQuinn, “The Economics of ‘Opt-Out’ Versus ‘Opt-In’ Privacy Rules,” Information Technology & Innovation Foundation Innovation Files, Oct. 6, 2017, <https://itif.org/publications/2017/10/06/economics-opt-out-versus-opt-in-privacy-rules/>.

³⁸ Staten & Cate, *supra* at 768-69.

42. This is why legislators and regulators rarely require opt-in consent and especially at any time other than when the consumer is already reaching out to open an account or obtain a service. The fact that the Debtors' consumers already opted in when opening their accounts, will receive additional specific notice, and have been inundated by press stories and press releases from attorneys general, opt-in is neither optimal from a "a consumer privacy perspective," or from the broader perspective of consumer and public interests. If this sale cannot go through, with all of its privacy protections and compliance with the Bankruptcy Code's privacy provisions, then what happens next? Presumably, if the Debtors cannot continue as a going concern, personal data is no longer protected by a solvent entity, services paid for are not delivered, jobs are lost. In what way is this optimal?

C. The Present Case and the Public Campaign Related to the Debtors

43. The current system seems to be working well. In the face of a massive publicity campaign by states attorneys general and consumer advocates advocating that the Debtors' customers delete their data, approximately 1.9 million customers have done so. This is accomplished easily by accessing a website (the same method they used to enroll) and following simple instructions there. Opt-out is working for those who wish to withdraw their consent. Opt-out is also working well for the 13 million—or 87% of—the Debtors' customers who so far have not chosen to opt-out.

44. One has to wonder what is the perceived benefit of seeking to require the seven-times-larger pool of the Debtors' customers who appear willing to retain the service for the present, knowing that they can opt-out at any time, to re-opt-in. It highlights the challenge of an opt-in requirement, namely that the Debtors would have to contact and provoke a response—positive or negative—from 13 million people, badgering them until they respond, all to confirm that the opt-

in consent they gave on account opening and the opt-out consent they have maintained since then, are still what they mean.

45. Beyond demonstrating that this appears to be a model of the advantages of opt-out in a situation where one party is trying to reach and provoke a response by many who are not otherwise trying to reach the one, it also casts doubt on the state attorneys general's and CPO's confidence in consumer consent, despite their professed preference for it, when they argue for ignoring the opt-in consent already given despite the fact that the only available evidence suggest that far more current customers wish to retain the service than lose it.

46. Further doubt of their confidence in consumer choice is cast by the consistently negative press releases from states attorneys general "urging" consumers proactively to delete their data without knowing the terms of the sale or the extent of the new privacy protection.³⁹

The Role of Other Applicable Laws

47. It is difficult to try to speak broadly about the role of other laws, primarily state genetic privacy laws, that it is argued apply to the personal data in this case. It is made easier, however, by the extent to which the Bankruptcy Code goes to negate the role of other federal or state laws. There is no role for these nonbankruptcy laws if a debtor does not have a policy "prohibiting the transfer of personally identifiable information about individuals to persons that

³⁹ See, e.g., Attorney General Bonta Urgently Issues Consumer Alert for 23andMe Customers, Mar. 21, 2025 ("Given 23andMe's reported financial distress, I remind Californians to consider invoking their rights and directing 23andMe to delete their data and destroy any samples of genetic material held by the company."), <https://oag.ca.gov/news/press-releases/attorney-general-bonta-urgently-issues-consumer-alert-23andme-customers>; Attor-ney General Ken Paxton Defends Texans' Privacy Amid 23andMe Bank-ruptcy and Provides Information on How Consumers Can Pro-tect Their Data, Apr. 21, 2025 (I would encourage any Texan concerned about their data to exercise the right to have their data securely deleted.), <https://www.texasattorneygeneral.gov/news/releases/attorney-general-ken-paxton-defends-texans-privacy-amid-23andme-bankruptcy-and-provides-information>; Attorney General James Urges 23AndMe Customers to Contact Company to Delete Data, Mar. 25, 2025 ("I am urging New Yorkers to take action to safeguard their data. New Yorkers can follow instructions offered by my office to delete their data or destroy any DNA samples held by 23andMe."), <https://ag.ny.gov/press-release/2025/attorney-general-james-urges-23andme-customers-contact-company-delete-data>.

are not affiliated with the debtor” that “is in effect on the date of the commencement of the case.”⁴⁰

There is no conclusion in the Final CPO Report that the Debtors do, so further consideration of other laws seems unnecessary.

48. Similarly, there is no role for reviewing nonbankruptcy laws even if the Debtors had a policy “prohibiting the transfer of personally identifiable information about individuals to persons that are not affiliated with the debtor” that “is in effect on the date of the commencement of the case,”⁴¹ if the sale is otherwise “consistent with such policy.”⁴²

49. Only if neither of these conditions are met, is there is any role for considering the impact of state privacy laws that are, in the words of the Bankruptcy Code, “applicable” to the proposed sale of personal data.⁴³ The most common argument for what makes a law “applicable” is that it has some specific consent requirement for the sale or transfer of personal data meeting some definition, such as genetic information.

50. The Bankruptcy Code addresses transfers of personal information about individuals to “persons that are not affiliated with the debtor.”⁴⁴ Dictionaries tend to reflect this same focus. Merriam Webster defines “sale” as the transfer of property “from one person to another,”⁴⁵ not from one person to the same. That distinction between meaningful sales of personal data between unaffiliated third parties and mere transfers of data among affiliated parties or as part of equity changes is widely reflected in privacy law. For example, Title V of the Gramm-Leach-Bliley

⁴⁰ 11 U.S.C. § 363(b)(1).

⁴¹ *Id.*

⁴² *Id.* § 363(b)(1)(A).

⁴³ *Id.* § 363(b)(1)(B)(ii).

⁴⁴ *Id.* § 363(b)(1).

⁴⁵ “Sale,” Merriam-Webster.com Dictionary, <https://www.merriam-webster.com/dictionary/sale>, accessed Jun. 14, 2025.

Financial Services Modernization Act (“Gramm-Leach-Bliley”) requires notices of data sharing and opportunities to opt out only for nonaffiliated entities, and not even then if the transfers are necessary to conducting the business (e.g., to lawyers, accountants, auditors).⁴⁶

51. In the present case, the personal data would be transferred through a subsidiary to a new entity as part of that entity’s acquisition of the equity of the subsidiary. The new entity includes the founder of the Debtors and is seeking to retain many of the same employees, performing the same type of work, using the same equipment and data. The transfer seems far removed from the Bankruptcy Code’s focus in its consideration of privacy protections on sales to “persons that are not affiliated with the debtor” or from the textbook definition of third party and far more akin to transfers routinely permitted under Gramm-Leach-Bliley without notice or consent among affiliates or service providers or even under Texas law for transfers of genetic information to “vendors and service providers.”⁴⁷

52. From a policy perspective, as the Bankruptcy Code appears to recognize, there is considerable risk in conflating a company selling data to an unaffiliated third party with a company transferring it as a necessary condition for the effective continuation of a business in nearly identical hands using the same set of assets, of which data is one. You could hardly construct a sale that provided greater continuity, and subjecting such “transfers” to state privacy law runs the risk of squandering public resources and frustrating the purposes of bankruptcy law (and the state laws themselves). Fortunately, in this case, it is not necessary because under the Bankruptcy Code, in the absence of a policy prohibiting the transfer of personal data, no such inquiry is necessary. The Bankruptcy Code controls.

⁴⁶ Gramm-Leach-Bliley Act, 12 U.S.C. § 502(a).

⁴⁷ Texas Direct-to-Consumer Genetic Testing Act, Texas Business & Commerce Code §§ 503A.001 et seq.

Conclusion

53. There are important privacy issues at stake here, but Congress has made their resolution comparatively easy. If the privacy policy in place as of the Petition Date did not prohibit transfers of personal data outright, then that is the end of the inquiry under the Bankruptcy Code, no matter what other observations the CPO elected to make. There was no such prohibition and despite efforts to parse documents and consider extra-policy statements, there is no evidence that such a prohibition existed. And therefore, under the Bankruptcy Code, there is no role for “nonbankruptcy” laws.

54. Should the Court go further, then the FTC, the relevant federal privacy regulator, identified its requirements for handling sensitive personal information in 2000 and reiterated those in fall 2024. The Debtors clearly satisfy them.

55. The desire reflected in the Final CPO Report for more, for advancing the academic literature and relying on that literature to go beyond what law requires or permits, is inappropriate. It also runs the risk of being self-defeating, by seeking to impose requirements for more consent by ignoring the consent already given. Moreover, by seeking to impose a consent mechanism (opt-in) in a setting where the consumer is not otherwise seeking anything, it ignores the asymmetry of communication channels, threatens consumer interests, and undermines the proposed sale. By seeking to advance one vision of a new privacy order, it threatens the delicate balance of interests that bankruptcy law and courts are charged with creating.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing statements are true and correct to the best of my knowledge, information, and belief.

Dated: June 16, 2025

By: /s/ Fred H. Cate
Professor Fred H. Cate

Exhibit A

Curriculum Vitae

FRED H. CATE

Distinguished Professor and
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SUMMARY

Fred H. Cate is a Distinguished Professor, C. Ben Dutton Professor of Law, and Adjunct Professor of Informatics and Computing at Indiana University. He is also co-founder of Red Barn Strategy, a strategic consulting firm that partners with government and private organizations to advance strategic data management, security, and use, and executive director of the Information Accountability Foundation, a not-for-profit think tank focused on information governance and accountability.

Professor Cate specializes in information security and privacy law and has testified before numerous congressional committees and served on advisory groups for many professional, industry, and government groups including DHS, DOD, NSA, FTC, OECD, the National Academies of Science, Engineering, and Medicine, the United Nations, Microsoft, Intel, and many other organizations. He chaired the National Academies study on Law Enforcement and Intelligence Access to Encrypted Content. He served as the founding director of IU's Center for Applied Cybersecurity Research from 2003 to 2014, where he is now a senior fellow, and IU's Center for Law, Ethics & Applied Research in Health Information from 2010 to 2015.

He is the author of more than 200 articles and books, he served as the privacy editor for the Institute of Electrical and Electronic Engineers' *Security & Privacy*, and was one of the founding editors of the Oxford University Press journal, *International Data Privacy Law*. Professor Cate attended Oxford University and received his J.D. and his A.B. with Honors and Distinction from Stanford University. A former Senator and President of the Phi Beta Kappa Society, he is a fellow of Phi Beta Kappa and the American Bar Foundation, and an elected member of the Council on Foreign Relations and the American Law Institute. He is chair of the Indiana State Museum and Historic Sites.

VITA

EMPLOYMENT
OTHER MAJOR APPOINTMENTS
EDUCATION
PROFESSIONAL MEMBERSHIPS AND HONORS
LEGISLATIVE AND AGENCY TESTIMONY AND COMMENTS
JUDICIAL TESTIMONY AND REPORTS
BOOKS AND MONOGRAPHS
CHAPTERS AND ARTICLES
NOTES, COMMENTS, REVIEWS, AND ESSAYS
STUDIES, REPORTS, AND POLICY PAPERS
PRESS
ADDRESSES, CONFERENCE PRESENTATIONS, AND SELECTED PANELS

EMPLOYMENT

Indiana University (1990 to present)

Vice President for Research (2015-23)
C. Ben Dutton Professor of Law (2008 to present)
Distinguished Professor (2003 to present)
Adjunct Professor of Informatics, Computing, and Engineering (2005 to present)
Founding Director, Center for Law, Ethics & Applied Research in Health Information (2010-2015)
Founding Director, Center for Applied Cybersecurity Research (2003-2014; Senior Fellow, 2014 to present)
Ira C. Batman Faculty Fellow (2000-03)
Harry T. Ice Faculty Fellow (1999-2000)
Louis F. Niezer Faculty Fellow (1997-98)
Professor of Law (1996-2003)
Associate Professor (1990-96)

University committees chaired:

- Provost and Executive Vice President Search Committee (2021-22)
- President's Initiative to Reduce Administrative Barriers Committee (co-chair, 2017-21)
- Distinguished Professor Selection Committee (2008-21; member, 2004-08)
- Inaugural Dean of the School of Global and International Studies Search Committee (2012-13)
- Committee to Review the Center for American and Global Security (2011-12)
- Communication Studies Task Force (2010)
- Provost and Executive Vice President Search Committee (2007)
- Alliance of Distinguished and Titled Professors (co-chair, 2005-09)
- Committee on Classified and Restricted Research (2006)
- Bloomington Campus Strategic Planning Committee (2002-04)
- Commitment to Excellence Proposals Review Committee (2003-04)
- University Conflicts of Interest Committee (1995-2000)
- Bloomington Campus Tenure Advisory Committee (chair, 1997-99; member, 1996-97)
- Committee to Review Dr. George Walker, Vice President for Research and Dean of the University Graduate School (1998-99)
- University Intellectual Property Policy Committee (1994-97)

Other major university committees:

- IU Ventures (Vice Chair, 2017-22)
- Provost and Executive Vice President Search Committee (2012)
- Governing Board of the Institute for Advanced Studies (2008-11)
- New Academic Directions Committee (2010-11)
- University Athletics Committee (2004-10)
- Accreditation Advisory Committee (2006-08)
- Patten Foundation Lecturer Selection Committee (2006-07)
- Faculty Board of Review (2004-06)
- Research Affairs Committee (2004-06)
- Research Development Funding Review Committee (2004-05)
- President's Advisory Council (1997-2000)
- Athletics Code of Conduct Commission (2000)
- University Research Policy Committee (2000)
- Dean of the College of Arts and Sciences Search Committee (1999-2000)
- Advanced Research and Technology Institute Board of Directors (secretary, 1996-99)
- Scholarly Communications Committee (1998-99)
- Advanced Research and Technology Institute President Search Committee (1998).

Law school committees chaired:

- Educational Policy Committee (2014-15, 2012-13, 2009-10, 2005-06, 1997-98)
- Building Committee (2010-11, 2003-04)
- Capital Campaign Advisory Committee (2008-09)
- *Federal Communications Law Journal* (faculty advisor, 1993-2005)
- Computer Committee (1996-97)

Information Accountability Foundation, Indianapolis, IN. Executive Director of not-for-profit think tank focused on information governance and accountability. (2024 to present).

Red Barn Strategy, Indianapolis, IN. Co-founder advising government and industry on strategic data management, security, and use. (2022 to present).

The Centre for Information Policy Leadership, Washington, DC. Senior Policy Advisor in center providing information policy research and education. (2001-21).

Ice Miller LLP, Indianapolis, IN. Senior Counsel for Information Law, specializing in information law, privacy, and e-commerce (1997-2001).

Walther-Schücking-Institute für Internationales Recht, Christian-Albrechts-Universität zu Kiel, Kiel, Germany. Visiting Professor of Law, teaching seminar on comparative information law (May 1997).

The Annenberg Washington Program in Communications Policy Studies of Northwestern University, Washington, DC. Director of Research and Projects and Senior Fellow in public policy research center supported by Ambassador Walter H. Annenberg (1991-96; Fellow, 1990).

Debevoise & Plimpton, Washington, DC. Associate working primarily in telecommunications, First Amendment, health, and commodities law (1987-1990; Summer Associate, 1986).

OTHER MAJOR APPOINTMENTS

Innovation Network Foundation, Washington, DC. Privacy Fellow (2025 to present).

Commission on Indiana's Legal Future, Indianapolis, IN. Member of the Technology Applications Subcommittee (2024-25).

Wellcome LEAP, Ethics, Legal, and Societal Implications Board, Los Angeles, CA. Chair (2022 to present).

Indiana State Museum and Historic Sites Board of Trustees, Indianapolis, IN. (member, 2020 to present; co-chair, Strategic Planning Committee, 2024 to present; chair, 2025 to present).

American Association of Universities, Washington, DC. Member of Senior Research Officers Steering Committee (2020-23).

OECD Advisory Expert Group on Digital Security, Paris. Member (2020-22).

National Academies of Sciences, Engineering, and Medicine, Washington, DC. Inaugural member of Forum on Cyber Resilience (2014-21).

U.S. Department of Homeland Security, Washington, DC. Inaugural member of Data Privacy and Integrity Committee Cybersecurity Subcommittee (Classified) (2009-21).

CLEAR, New York, NY. Member of external advisory board of identity verification provider for airport and other facility security. (2015-20).

International Data Privacy Law, Oxford University Press. Editor (2010-20)).

The Privacy Projects, Seattle, WA. Member of the Board of Directors (2009-20).

National Academies of Sciences, Engineering, and Medicine, Washington, DC. Chair of the Committee on Law Enforcement and Intelligence Access to Plaintext Information in an Era of Widespread Strong Encryption: Options and Tradeoffs (2016-18).

Indiana Advisory Task Force on Remote Access to and Privacy of Electronic Court Records, Indiana Supreme Court, Indianapolis, IN. Member (2016-17).

U.S. National Security Agency, Fort Meade, MD. Inaugural member of Privacy and Civil Liberties Panel (Classified) (2014-17).

Intel Corporation, Santa Clara, CA. Member of the Privacy and Security External Advisory Board (2010-17).

The Kinsey Institute for Research in Sex, Gender and Reproduction, Bloomington, IN. Member of the Board of Governors (2009-17).

National Academies of Sciences, Engineering, and Medicine, Washington, DC. Chair of the Committee on the Workshop on Encryption and Mechanisms for Authorized Government Access to Plaintext, National Academies (2016).

International Foundation for Online Responsibility, Washington, DC. Inaugural member of Policy Council (2011-16).

Privacy & Security Law Report, BNA. Member of the Advisory Board (2008-16).

National Academies of Sciences, Engineering, and Medicine, Washington, DC. Chair of the Committee on the Workshop on Privacy for the Intelligence Community: Emerging Technologies, Academic and Industry Research, and Best Practices (2015).

Microsoft Corporation, Redmond, WA. Member, Trustworthy Computing Academic Advisory Board (2003-14).

U.S. Department of Defense, Arlington, VA. Inaugural member of DARPA Privacy Oversight Board (2010-13).

The Center for Identity at the University of Texas Austin. Member of the Board of Directors (2010-12).

IEEE (Institute of Electrical and Electronic Engineers), Washington, DC. Editor of the Privacy Department, *Security & Privacy* (2009-11).

Trustee, San Francisco, CA. Member of the Board of Advisors (2009 -11).

Center for Applied Identity Management Research, Washington, DC. Member of the Board of Directors and of the Research Planning Committee; chair of the Strategic Research Steering Committee (2008-10).

American Law Institute, Philadelphia, PA. Reporter for Principles of the Law of Government Access to and Use of Digital Information (2006-08).

National Academy of Sciences, Washington, DC. Member of the Committee on Technical and Privacy Dimensions of Information for Terrorism Prevention and Other National Goals, responsible for overseeing an Academy study by the same name (2005-08).

Barack Obama 2008 Presidential Campaign, Chicago, IL Privacy law advisor (2008).

Indiana Commission for Higher Education, Indianapolis, IN. Appointed by Governor Mitch Daniels (2005-07). Faculty Nominating Committee (Chair, 2009).

Center for Identity Management and Infrastructure Protection, Utica, NY. Member, Research Steering Committee (2006-07).

Markle Foundation Task Force on National Security in the Information Age, New York, NY. Associate and reporter for the Task Force's third report (2006).

American Historical Association, Washington, DC. Member of the Task Force on Intellectual Property (2002-03).

U.S. Department of Defense, Arlington, VA. Reporter to the Technology and Privacy Advisory Committee (2003-04).

Privacy and Information Law Report, Glasser Legal Works. Member of the Board of Editors, (2000-08).

American Enterprise Institute, Washington, DC. Visiting Scholar (2000-03).

American Legislative Exchange Council, Washington, DC. Academic Advisor (2000-02).

American Institute for Contemporary German Studies, Washington, DC. Director of project on German-U.S. electronic commerce (1999-2002).

George W. Bush 2000 Presidential Campaign, Austin, TX. Privacy law advisor (2000).

International Telecommunication Union, Geneva. Chair of High-Level Experts on Electronic Signatures and Certification Authorities (1999).

Federal Trade Commission Advisory Committee on Online Access and Security, Washington, DC. Member (2000).

United Nations Working Group on Emergency Telecommunications, Geneva. Member and principal drafter of the Tampere Convention on the Provision of Telecommunications Resources for Disaster Mitigation and Relief Operations, which was adopted in Jun. 1998 (1994-2002).

American Bar Association Section on Health Law, Chicago, IL. Vice Chair of Electronic Communications and Privacy Interest Group (1998-2000).

International Association of Science and Technology for Development, Calgary, Canada. Member of the Technical Committee on Law and Technology (1999-2001).

Committee on Institutional Cooperation, Champaign, IL. Member of the Copyright and Intellectual Property Committee (1997-2000).

Indiana Public Access Task Force, Indianapolis, IN. Appointed by Governor Frank O'Bannon (1998-99).

American Association of University Professors, Washington, DC. Chair of the Subcommittee on Intellectual Property Rights and principal author of Copyright Issues in Colleges and Universities (1997-98).

Brookings Institution, Washington, DC. Director of study on financial privacy (1996-97).

EDUCATION

Stanford Law School. J.D. (1987). Book Review Editor, *Stanford Law Review*. Research Assistant for Professor Marc Franklin, Frederick I. Richman Professor of Law (1985-87). Notes: “Defining California Civil Code Section 47(3): The Resurgence of Self-Governance,” 39 *Stanford Law Review* 1201 (1987); “Civil Defamation Law in the Soviet Union,” 23 *Stanford Journal of International Law* 303 (1987).

Stanford University. A.B., History (1984). Phi Beta Kappa, Departmental Honors and Distinction. Honors Theses: *An Introduction to the Life and Thought of Frank Friedman Oppenheimer* (1983); *Thomas Cranmer and the Prayer Books of Edward VI* (1984).

Oxford University. Tutorial work towards B.A., Modern History (September 1980 to Jun. 1981). Research in early modern English history (Fall 1984).

PROFESSIONAL MEMBERSHIPS AND HONORS

Member Council on Foreign Relations
American Law Institute
Phi Beta Kappa (former President, Senator, member of the Executive Committee)
Phi Beta Kappa Foundation Board of Trustees (former member and member of the Executive Committee)
Phi Beta Kappa Fellows (Life)
American Bar Association
American Bar Foundation (Life Fellow)

Admitted to practice: U.S. Supreme Court, the U.S. Court of Appeals for the Ninth Circuit, California (inactive), the District of Columbia, and Indiana (inactive)

Manuscript/Grant Reviewer: Brookings Institution Press, Cambridge University Press, Georgetown University Press, Indiana University Press, *International Review of Law, Journal of the American Medical Association, Journal of the American Society for Information Science and Technology, Law & Society Review*, MIT University Press, National Science Foundation, Northwestern University Press, Progress and Freedom Foundation, *Professional Psychology: Research and Practice, Science*, Alfred P. Sloan Foundation, University of Chicago Press, Yale University Press.

Promotion and Tenure Candidate Reviewer: Arizona State University School of Law, Brooklyn Law School, University of California at Berkeley, Elon University, Georgetown University Law Center, Georgia Tech, Harvard School of Engineering and Applied Sciences, Rutgers School of Law—Newark, University of Haifa, University of Cambridge, University of Houston Law Center, University of Iowa College of Law, University of London, University of North Carolina, University of Oxford.

Listed *Who's Who in the World*
Who's Who in America
Who's Who in American Law
Who's Who in American Education
Center for Digital Education's 30 Technologists, Transformers and Trailblazers (2014)
Computerworld's "Best Privacy Advisers in 2011," "Best Privacy Advisers in 2008," and "Best Privacy Advisers in 2007"
Indiana Business Journal's "Who's Who in Information Technology" (1998), "Who's Who in Law" (1998), and "40 Under Forty" (2001)

Awards President's Medal, Indiana University (2021)
Bicentennial Medal, Indiana University (2019)
Albert Nelson Marquis Lifetime Achievement Award (2019)
President's Award and Judith Krug Medal, Phi Beta Kappa (2015)
Public Interest Faculty Award, Indiana University Maurer School of Law (2010)
Trustees' Teaching Award, Indiana University (2010)
Trustees' Teaching Award, Indiana University (2004)
Teaching Excellence Recognition Award, Indiana University (1999)

LEGISLATIVE AND AGENCY TESTIMONY AND COMMENTS

U.S. Congress

1. *Hearing on TSA Oversight Part I: Whole Body Imaging*, Committee on Oversight and Government Reform, Subcommittee on National Security, Homeland Defense, and Foreign Operations, U.S. House of Representatives, Washington, DC, Mar. 16, 2011.
2. *Hearing on ECPA Reform and the Revolution in Cloud Computing*, Committee on the Judiciary, Subcommittee on the Constitution, Civil Rights and Civil Liberties, U.S. House of Representatives, Washington, DC, Sep. 23, 2010.
3. *Hearing on Video Laptop Surveillance: Does Title III Need To Be Updated?*, Committee on the Judiciary, Subcommittee on Crime and Drugs, U.S. Senate, Philadelphia, PA, Mar. 29, 2010.
4. *Classified Staff Briefing on Cybersecurity Oversight and Privacy Protection*, Committee on Intelligence, U.S. Senate, Washington, DC, Nov. 10, 2009.
5. *Roundtable on the Future of Privacy, Civil Rights, and Civil Liberties at the Department of Homeland Security*, Committee on Homeland Security, U.S. House of Representatives, Washington, DC, Dec. 3, 2008.
6. *Hearing on National Security Letters*, Committee on the Judiciary, Subcommittee on Constitution, Civil Rights, and Civil Liberties, U.S. House of Representatives, Apr. 15, 2008 (written testimony).
7. *Briefing on Security Breaches and Identity Fraud*, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC, Jul. 9, 2007.
8. *Hearing on Enhancing Social Security Number Privacy*, Committee on Ways and Means, Subcommittee on Social Security, U.S. House of Representatives, Washington, DC, Jun. 15, 2004.
9. *Hearing on Financial Privacy and Consumer Protection*, Committee on Banking, Housing, and Urban Affairs, U.S. Senate, Washington, DC, Sept. 19, 2002.
10. *Hearing on S.2201, The Online Personal Privacy Act*, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC, Apr. 22, 2002 (written testimony).
11. *Hearing on Privacy*, Committee on Commerce, Science, and Transportation, U.S. Senate, Washington, DC, Jul. 11, 2001.
12. *Hearing on SB773*, Committee on Banking and Finance, California General Assembly, Sacramento, CA, Jun. 18, 2001.
13. *Hearing on Privacy in the Commercial World*, Committee on Energy and Commerce, Subcommittee on Commerce, Trade, and Consumer Protection, U.S. House of Representatives, Washington, DC, Mar. 1, 2001.
14. *Hearing on the Privacy Commission: An Examination of Privacy Protection*, Committee on Government Reform, Subcommittee on Government Management, Information and Technology, U.S. House of Representatives, Washington, DC, Apr. 12, 2000.

15. *Hearing on Financial Privacy*, Committee on Banking and Financial Services, Subcommittee on Financial Institutions and Consumer Credit, U.S. House of Representatives, Washington, DC, Jul. 20, 1999.
16. *Hearing on Privacy and Electronic Information*, Committee on the Judiciary, Subcommittee on Courts and Intellectual Property, U.S. House of Representatives, Washington, DC, Mar. 26, 1998.

Agencies and State Legislatures

1. *Current Approaches to Privacy*, The FTC's Approach to Consumer Privacy, Federal Trade Commission, Washington, DC, Apr. 9, 2019.
2. *Consumer Protection Implications of Algorithms, Artificial Intelligence, and Predictive Analytics*, The Competition and Consumer Protection Issues of Algorithms, Artificial Intelligence, and Predictive Analytics, Federal Trade Commission, Washington, DC, Nov. 13, 2018.
3. *SB 413*, Committee on Homeland Security, Indiana Senate, Indianapolis, IN, Feb. 10, 2015.
4. *Health Big Data*, Privacy and Security Workgroup Health IT Policy Committee, National Coordinator for Health IT, Washington, DC, Dec. 5, 2014 (virtual public hearing).
5. *Defining Privacy*, Privacy and Civil Liberties Oversight Board, Washington, DC, Nov. 12, 2014.
6. *Governance of Big Data*, White House Office of Science and Technology Policy, Washington, DC, Apr. 4, 2014 (written comments) (with Peter Cullen & Viktor Mayer-Schönberger).
7. *Preliminary Cybersecurity Framework*, National Institute of Standards and Technology, Washington, DC, Dec. 12, 2013 (written comments).
8. *NSA Oversight and Surveillance Reform*, President's Review Group on Intelligence and Communications Technology, Washington, DC, Nov. 3, 2013 (written comments).
9. *H.B. 1937*, Committee on Criminal Jurisprudence, Texas House of Representatives, Austin, TX, Mar. 22, 2011 (written testimony).
10. *Privacy, Innovation and Global Trade*, Symposium: A Dialogue on Privacy and Innovation, U.S. Department of Commerce, Washington, DC, May 7, 2010.
11. *Lessons Learned and Looking Forward*, Exploring Privacy, Federal Trade Commission Workshop, Washington, DC, Mar. 17, 2010.
12. *Technology and Policy*, Exploring Privacy, Federal Trade Commission Workshop, Berkeley, CA, Jan. 28, 2010.
13. *Exploring Existing Regulatory Frameworks*, Exploring Privacy, Federal Trade Commission Workshop, Washington, DC, Dec. 7, 2009.
14. *Stakeholder's Forum of the Trilateral Committee on Transborder Data Flows*, United States, Canada & Mexico Security and Prosperity Forum, Washington, DC, Sept. 25, 2008.

15. *Provincial Canadian Geographic Restrictions on Personal Data in the Public Sector*, Submitted to the Trilateral Committee on Transborder Data Flows, Sept. 2008.
16. *Best Practices for Government Data Mining*, Implementing Privacy Protections in Government Data Mining, Department of Homeland Security Workshop, Washington, DC, Jul. 24-25, 2008.
17. *The Impact of Government Data Mining on Privacy*, Implementing Privacy Protections in Government Data Mining, Department of Homeland Security Workshop, Washington, DC, Jul. 24-25, 2008.
18. *Legal and Policy Perspectives*, CCTV: Developing Privacy Best Practices, Department of Homeland Security Workshop, Washington, DC, Dec. 17-18, 2007.
19. *Recommendations*, Security in Numbers: SSNs and ID Theft, Federal Trade Commission Workshop, Washington, DC, Dec. 10-11, 2007.
20. *The Global Challenge to National Data Protection of Networked Digital Information*, Keynote address at the Bilateral Conference on Cross Border Data Flows & Privacy, U.S. Department of Commerce and the European Commission Article 29 Working Party on Data Protection, Washington, DC, Oct. 15, 2007.
21. *Coverage of Privacy Laws*, Government Accountability Office Expert Forum (GAO Code 310781), Washington, DC, Oct. 11, 2007.
22. *SSNs in the Private Sector*, Comments filed with the Federal Trade Commission (Comment Project No. P075414), Sept. 5, 2007.
23. Inaugural hearing of the Privacy and Civil Liberties Oversight Board, The White House, Washington, DC, Dec. 5, 2006.
24. *Security and Privacy Challenges in the Coming Tech-ade*, Federal Trade Commission Hearings on Protecting Consumers in the Next Tech-ade, Washington, DC, Nov. 6, 2006.
25. *How Can We Build Privacy Protections into Government's Use of Commercial Data?—Recommending a Roadmap for DHS*, Privacy and Technology Workshop: Exploring Government Use of Commercial Data for Homeland Security, Department of Homeland Security, Washington, DC, Sep. 9, 2005 (panelist).
26. *Methodology Focusing on Records of Credit Bureaus and Furnishers of Information*, Federal Trade Commission Roundtable: A Review of Methodologies that Assess Accuracy and Completeness of Credit Reports, Washington, DC, Jun. 30, 2004.
27. *Hearing on Address and Telephone Information in Public Records*, New Jersey Privacy Study Commission, Newark, NJ, Nov. 12, 2003.
28. *The Costs and Benefits of the Collection and Use of Consumer Information for Credit Transactions*, Costs and Benefits Related to the Collection and Use of Consumer Information, Federal Trade Commission, Washington, DC, Jun. 18, 2003 (panelist).
29. *Hearing on Social Security Numbers in Public Records and their Role in Identity Theft*, Indiana General Assembly (Senator David Ford and Representative Peggy Welch), Indianapolis, IN, Sept. 28, 2002.

30. *How Do Merger and Exchange Affect Consumers and Businesses?*, Workshop on The Information Marketplace: Merging and Exchanging Consumer Data, Federal Trade Commission Washington, Mar. 14, 2001.
31. *Hearing on Protecting Consumer Privacy: The Role of Opt-in*, Idaho Legislature Interim Committee on Transfers of Personal Information, Boise, ID, Oct. 4, 2000.
32. *Hearing of the Task Force on Privacy and Technology*, Tallahassee, FL, Aug. 25, 2000.
33. *Gramm-Leach-Bliley Act Privacy Rule, 16 CFR Part 313*, Comments filed with the Federal Trade Commission (Mar. 10, 2000).
34. *Hearings Relating to Privacy*, Conference Committee on S.B. 129, California Senate and General Assembly, Sacramento, CA, Feb. 29, 2000.
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23. *Protecting Privacy in the New Millennium: Protecting Consumer Privacy—Ten Questions Every Legislator Should Ask* (National Retail Federation, 2000).
24. *Protecting Privacy in the New Millennium: Identity Theft* (National Retail Federation, 2000).
25. *Protecting Privacy in the New Millennium: Consumer Access to Personal Information* (National Retail Federation, 2000).
26. *Protecting Privacy in the New Millennium: Legal Protections for Information Privacy* (National Retail Federation, 2000).
27. *Protecting Privacy in the New Millennium: Information-Sharing—Why Does Affiliate Status Matter?* (National Retail Federation, 2000) (with Michael E. Staten).
28. *Protecting Privacy in the New Millennium: The Value of Information-Sharing* (National Retail Federation, 2000) (with Michael E. Staten).
29. *Protecting Privacy in the New Millennium: The Fallacy of “Opt-in”* (National Retail Federation, 2000) (with Michael E. Staten).
30. *Personal Information in Financial Services: The Value of a Balanced Flow* (Financial Services Coordinating Council, 2000).
31. *The Public Record: Information Privacy and Access—A New Framework for Finding the Balance* (Coalition for Sensible Public Records Access, 1999) (with Richard Varn).
32. *Juries and Justice* (The Annenberg Washington Program, 1996).
33. *Communications in Medicine* (The Annenberg Washington Program, 1995) (with Peter David Blanck and Gregory Makoul).

34. *International Disaster Communications: Harnessing the Power of Communications to Avert Disasters and Save Lives* (The Annenberg Washington Program, 1994) (editor and contributor).
35. *Media, Disaster Relief and Images of the Developing World* (The Annenberg Washington Program, 1994).
36. *The Patient Self Determination Act: Implementation Issues and Opportunities* (The Annenberg Washington Program, 1991) (with Barbara A. Gill). Reprinted in *Trends and Issues That Impact the Nursing Care of the Elderly* (1994).
37. The Patient Self-Determination Act: Implementing the Education Requirements, *Communications and the Patient Self-Determination Act: Strategies for Meeting the Educational Mandate* 9 (The Annenberg Washington Program, 1993).
38. Comments on the Draft Broadcasting Law, in *Analysis of the Draft Law on Television and Radio Broadcasting of the Russian Federation* (American Bar Association Central and East European Law Initiative) (1993).
39. *The Tampere Declaration on Disaster Communications/The Annenberg Washington Program International Disaster Communications Project* (The Annenberg Washington Program, 1991).
40. *Transplantation White Paper* (The Annenberg Washington Program, 1991) (with Susan Laudicina).
41. *The Tenth Strategy: Communications and the Fight for a Drug-Free America* (The Annenberg Washington Program, 1991).
42. The Continuing Battle Over the EC Broadcasting Directive, Communications Committee, Section of International Law and Practice, American Bar Association (November 1991).
43. The First Amendment and Compulsory Access to Cable Television, in *Cable Television Leased Access* (1991).
44. The European Broadcasting Directive, Communications Committee, Section of International Law and Practice, American Bar Association (Apr. 1990).
45. *Directorship Year-End Regulatory Review* (Directorship Magazine, 1990) (with Eric Roiter and John B. Reynolds).
46. The European Community Broadcast Directive: The Need for a Fresh Look at Its Impact on the Fundamental Rights of Broadcasters and the Public, in *Working Papers of the Trans-Atlantic Dialogue on European Broadcasting* (1989) (with Robert R. Bruce and Joel R. Reidenberg).
47. Laws and Regulations Relating to the Procurement and Use of Human Organs and Tissues, in *J. Swerdlow, Matching Needs, Saving Lives: Building a Comprehensive Network for Transplantation and Biomedical Research* (The Annenberg Washington Program, 1989).
48. "Cybersecurity Researcher Addresses 'Misplaced' Fears," *Privacy & Data Protection Legal Reporter*, Dec. 2006, at 3.

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Appeared on CNN, PBS, NPR, and many local television and radio programs. Quoted or cited in many publications, including *ABA Banking Journal*, *ABA Journal*, *American Banker*, *Associated Press*, *Best's Insurance News*, *Boston Globe*, *Business Week*, *Commercial Appeal* (Memphis), *CongressDaily*, *Chicago Tribune*, *Christian Science Monitor*, *Communications Daily*, *Computerworld*, *Cyberspace Lawyer*, *Denver Post*, *Des Moines Register*, *Dow Jones Business News*, *Editor & Publisher*, *Electronic Banking Law and Commerce Report*, *Electronic Commerce News*, *Hartford Courant*, *The Independent* (London), *Indianapolis Star*, *InfoWorld Daily News*, *Interactive Week*, *Investment News*, *Los Angeles Times*, *Marketing News*, *National Journal*, *National Law Journal*, *Network World*, *New York Times*, *Newsbytes*, *Plain Dealer* (Cleveland), *Reader's Digest*, *Roll Call*, *San Francisco Chronicle*, *Star Tribune* (Minneapolis), *Technology Review*, *Telecommunications Reports*, *Times-Picayune*, *St. Louis Post-Dispatch*, *U.S. News & World Report*, *USA Today*, *Wall Street Journal*, *Utne Reader*, *Washington Post*, *Washington Times*, *Women's Wear Daily*, and *Woman's World*.

Op-eds

1. "74 Screens of Legalese Don't Protect Your Data," *The Conversation*, Apr. 10, 2019.
2. "NAS Report: A New Light in the Debate over Government Access to Encrypted Content," Lawfare, Feb. 15, 2018 (with Jon Eisenberg).
3. "Opioids may kill more in U.S. than WWII," *Indianapolis Star*, Jan. 28, 2018, at A20.
4. "Legal Protections Should Not Depend on the Medium," *Wall Street Journal*, May 22, 2016.
5. "Personal privacy is eroding as consent policies of Google and Facebook evoke 'fantasy world'," *The Conversation*, Dec. 15, 2014.
6. "Should the Feds Regulate Cybersecurity?," (*Newark*) *Star Ledger*, Jun. 26, 2013 (with Andrew A. Proia).
7. "Five Ways to Protect Teens from 'Sextortion'," *Indianapolis Star*, Aug. 29, 2010.
8. "Playing Charades with Terrorists," *Washington Times*, Feb. 3, 2010, at B1.
9. "Judith Krug's Legacy was Freedom of Inquiry," *Herald-Times* (Bloomington, IN), Apr. 19, 2009.
10. "Plane-side TSA searches aren't worth the trouble," *USA Today*, Apr. 8, 2009.
11. "The Identity Theft Scare," *Washington Post*, Oct. 14, 2006, at A21.
12. "NH Gets an Overdose of Unintended Consequences," (Manchester, NH) *Union Leader*, Aug. 2, 2006.
13. "What can Terri Schiavo and Sidney Greenspan Teach Us?" *Chicago Tribune*, May 29, 2005, at C11 (with Newton N. Minow).
14. "Another Notice Isn't Answer," *USA Today*, Feb. 28, 2005.

15. “Our Civil Liberties Make Nation’s Defense Worthwhile,” *Journal Gazette* (Ft. Wayne, IN), Dec. 23, 2004.
16. “Diversity Demonstrated by Tolerance,” *Herald-Times* (Bloomington, IN), Oct. 4, 2003.
17. “The Big Idea,” *Boston Globe*, Sept. 2, 2001, at D8.
18. “Let Privacy Legislation Serve as ‘Gap-Filler,’” *DM News*, Sept. 14, 1998, at 60.
19. “Justice for Jurors Too,” *Christian Science Monitor*, Oct. 8, 1996, at 18 (with Newton N. Minow).
20. “In Defense of Cybersex,” *Indiana Alumni Magazine*, May/Jun. 1996, at 64.
21. “Juries Can Handle the Truth,” *Christian Science Monitor*, Feb. 6, 1995 (with Newton N. Minow).
22. “Court Quiz Shows: Grilling Jurors By Questionnaire,” *Wall Street Journal*, Oct. 12, 1994, at A18 (with Newton N. Minow). Reprinted in *Los Angeles Daily Journal*, Oct. 20, 1994, at 6; *San Francisco Daily Journal*, Oct. 20, 1994.
23. “The Best Jury Is Not an Ignorant Jury,” *Washington Post*, Sep. 11, 1994, at C7 (with Newton N. Minow). Reprinted in *International Herald Tribune*, Sep. 16, 1994.
24. “What the Jury Doesn’t Know . . . Could Hurt You,” *Washington Monthly*, Sep. 1994, at 18 (with Newton N. Minow).
25. “Communication When It’s Needed Most,” *Monday Developments*, Jan. 31, 1994, at 7.
26. “In Favor of Free Speech in a Vast Wasteland,” *San Francisco Chronicle*, Oct. 27, 1993, at A21.
27. “Bring Juries Into the 20th Century,” *Chicago Tribune*, Oct. 15, 1993, at 21 (with Newton N. Minow).
28. “Television Violence,” *Los Angeles Times*, Aug. 4, 1993, at B6.
29. “Health Care Decision Making in Indiana and Beyond,” *Bill of Particulars*, Fall 1992, at 5 (with Kathleen M. Anderson).
30. “The Search For Justice: Is Impartiality Really Possible?,” *USA Today Magazine*, Jan. 1992, at 58 (with Newton N. Minow).
31. “Health Care Decision-Making and Organ Donation,” *The Bridge*, vol. v, no. 4, 1 (1991).
32. “The Illusive Quest for Impartial Juries,” *Scripps-Howard News Service* (1991).
33. “Jury Selection Skews Justice,” *Rocky Mountain News*, Dec. 8, 1991, at 129.
34. “Time for National Health Plan,” *Journal of Commerce*, Aug. 28, 1991, at A8.
35. “The Gift of a Lifetime,” *75 Vanderbilt Magazine* 15 (Spring 1991).
36. “A Failure to Communicate,” *Journal of Commerce*, Dec. 7, 1990, at A8 (with Newton N. Minow).

37. “The Lessons of Sidney Greenspan,” *Chicago Tribune*, Oct. 17, 1990, at 17 (with Newton N. Minow).
38. “Why Transplants Don’t Happen,” *Atlantic*, Oct. 1990, at 99 (with Joel L. Swerdlow). Reprinted in *Richard P. Batteiger, Writing and Reading Arguments* 322 (1994); *Biomedical Ethics* 81 (Terry O’Neill, ed., 1994); *Computers and Society* 4th 202 (Kathryn Schellenberg, ed., 1992).
39. “Elected Officials Get Nasty About Rap, Art and the Flag,” *San Francisco Chronicle*, Jun. 14, 1990, at A33.
40. “Censorship as a Political Tool: A Bad Rap for 2 Live Crew,” *Atlanta Constitution*, Jun. 13, 1990, at A13.
41. “Censorship as a Political Tool,” *Christian Science Monitor*, May 21, 1990, at 18.
42. “Must Ignorance Be a Virtue in Our Search for Justice?,” *Los Angeles Times*, Jan. 25, 1990, at B7 (with Newton N. Minow). Reprinted in *St. Louis Post Dispatch*, Jan. 29, 1990, at 3B; *Buffalo News*, Feb. 4, 1990, at H11; *Star Tribune* (Minneapolis), Feb. 9, 1990, at 19A; *Akron Beacon Journal*, Feb. 1, 1990, at A7; *Newsday*, Jan. 31, 1990, at 61.

ADDRESSES, CONFERENCE PRESENTATIONS, AND SELECTED PANELS

1. “User Autonomy & Digital Monitoring,” Law & Technology at the Crossroads: A Centennial Summit, Indiana Law Journal, Bloomington, IN, Nov. 1, 2024 (moderator).
2. “AI Governance, Ethics, and Your Rights,” Discover the Potential of Cross-Sector Innovation, Rally, Indianapolis, IN, Aug. 28, 2024 (moderator).
3. “Artificial Intelligence: Ethical, Legal, and Societal Issues for Attorneys,” Fulton County Bar Association, Rochester, IN, Aug. 23, 2024.
4. “Ubiquitous Surveillance,” Indiana Graduate Program for Judges, Indiana Judicial Center, French Lick, IN, Jun. 25-30, 2023.
5. “Enabling Research in the Context of Data Protection Laws,” IAPP Data Protection Intensive: UK 2023, London, Mar. 9, 2023 (moderator).
6. “1984/Big Brother/Facial Recognition,” The National Judicial College Appellate Judges Education Institute Summit, Scottsdale, AZ, Nov. 12, 2022 (panelist).
7. “Privacy and Consent in the Digital Age,” Privacy and the Internet Lecture Series, Lake Forest College, Lake Forest, IL, Sep. 27, 2022.
8. A Dialogue on US-China Higher Education Cooperation, Embassy of the People’s Republic of China, Washington, DC, May 25, 2022 (panelist).
9. “Cybersecurity and Privacy,” Indiana Supreme Court Spring Judicial College, Indianapolis, IN, Apr. 26, 2022.
10. “Cybersecurity: Is it as Hopeless as it Seems?,” Big Ten Business Officers Spring 2022 Meeting, Bloomington, IN, Apr. 25, 2022.
11. “Workshop on Data Review Boards and Tools for Responsible Innovation,” Irish Data Protection Authority, Dublin, Ireland, Mar. 8, 2022 (moderator).
12. “Cybersecurity and Fraud,” Indiana University Retiree Association, Bloomington, IN, Feb. 9, 2022.
13. “Privacy Challenges for the Twenty-First Century,” The Challenges & Repercussions of Cybersecurity Legislation Webinar, Kingdom of Bahrain, Jan. 20, 2022 (virtual).
14. “The First Time Ever I Saw Your Face,” Council of Chief Judges of the State Courts of Appeal Annual Conference, Boston, MA, Oct. 28, 2021 (panelist).
15. “The Next Generation,” Indiana Recovery Month Symposium, Indianapolis, IN, Sep. 20, 2021 (moderator).
16. “Data in Healthcare in Indiana,” Mitch Daniels Leadership Foundation Fellows Program, Indianapolis, IN, Aug. 27, 2021.

17. “The Benefits of Using Multi-campus IT Data for Cybersecurity Research and Barriers are to Allowing that Research,” Multi-Campus Cyber-Security Data Curation for Research and Education, University of Virginia Cyberinnovation and Society, Jul. 28, 2021 (virtual).
18. “Making Oversight and Enforcement More Effective in Privacy Laws to Come,” Information Accountability Foundation, Jul. 27, 2021 (virtual).
19. “AI’s Impact on Teaching,” Chronicle of Higher Education, Mar. 17, 2021 (virtual).
20. “Hoosier Healthcare,” Mitch Daniels Leadership Foundation Fellows Program, Indianapolis, IN, Aug. 28, 2020 (virtual).
21. “The Schrems II Mandate,” Centre for Information Policy Leadership, Washington, DC, Oct. 22, 2020 (virtual).
22. “Trusted Government Access to Private Sector Data,” Data Localisation and Trusted Government Access to Data: A Virtual Roundtable in the Context of the Review of the OECD Privacy Guidelines, OECD, Paris, Oct. 6, 2020 (virtual).
23. “Privacy and Ethics in the Current World,” Government Affairs Society of Indiana 2020 Annual Conference, Indianapolis, IN, Aug. 11, 2020.
24. “What’s Next for Privacy Law in the US and What Have We Learned from the COVID-19 Crisis?,” How Will COVID-19 Change the Federal Privacy Debate?, Centre for Information Policy Leadership, Washington, DC, Jun. 9, 2020 (virtual) (moderator).
25. “Expert Consultation on Unlimited Government Access to Personal Data held by the Private Sector,” OECD, Paris, Jul. 7, 2020 (virtual).
26. “When Global Emergencies Threaten to Jeopardize Privacy Rights,” International Association of Privacy Professionals, Portsmouth, NH, Apr. 28, 2020 (virtual) (moderator).
27. “AAU Public Affairs Polling and How Campuses are Utilizing It,” Senior Research Officers Meeting, American Association of Universities, Nashville, TN, Mar. 10, 2020 (moderator).
28. “Overcoming Stigma,” Indiana State Museum, Indianapolis, IN, Feb. 1, 2020 (moderator).
29. “AI Ethics,” Executive AI Summit: AI Tutorial, Indiana University, Bloomington, IN, Jan. 23, 2020.
30. “Data Privacy and Consent,” TEDx Indiana University, Bloomington, IN, Nov. 8, 2019.
31. “Roundtable on Secondary Use of Data and Emerging Technologies,” IPG Kinesso, Chicago, Nov. 5, 2020.
32. “Data Review Board Workshop,” IPG Kinesso, Chicago, Nov. 4, 2020 (moderator).
33. “Information Systems Security,” 2019 FBI Academia Summit, Washington, DC, Oct. 10, 2019 (co-chair).
34. “Cyber IN-Security,” 2019 Randall T. Shepard Lecture Series, Evansville Bar Association and Evansville Bar Foundation, Evansville, IN, Sep. 24, 2019.

35. “Joint Roundtable on the ICO Auditing Framework for AI,” UK Information Commissioner’s Office and Centre for Information Policy Leadership, London, Sep. 18, 2019 (moderator).
36. “Privacy Law in a Dynamic World: How to Think about Personal Data and Innovation,” Humane Studies Academic Research Seminar, Boca Raton, Jul. 28, 2019.
37. “Transparency and Explainability of AI,” Joint Roundtable on Personal Data Challenges and Solutions in AI, Empowering a Data Driven Economy, Personal Data Protection Commission, Singapore, Jul. 18, 2019 (moderator).
38. “Automated Decision Making and Human in the Loop,” Joint Roundtable on Personal Data Challenges and Solutions in AI, Empowering a Data Driven Economy, Personal Data Protection Commission, Singapore, Jul. 18, 2019 (moderator).
39. “Building a Technologically Resilient Democracy, While Avoiding the Impulse to Illiberalism,” Australia National University and Indiana University, Canberra, May 8, 2020 (panelist).
40. “Privacy Laws and Evolving Technology,” Privacy Laws and Evolving Technologies and a New US Privacy Framework, Centre for Information Policy Leadership, Washington, DC, Apr. 2, 2019 (moderator).
41. “National Security Challenges 2020,” America’s Role in the World, Hamilton Lugar School of Global and International Studies, Bloomington, Mar. 21, 2019 (moderator).
42. “The Role of Data Review Boards in Data Protection,” IAPP Data Protection Intensive: UK 2019, International Association of Privacy Professionals, London, Mar. 13, 2019 (moderator).
43. “Difficult Data Protection Issues in AI,” Centre for Information Policy Leadership, London, Mar. 12, 2019 (moderator).
44. “AI Governance Challenges and Mistakes We Might Avoid Repeating,” Ostrom Workshop Colloquium Series, Bloomington, IN, Feb. 25, 2019.
45. “Driving Trusted Data Optimization while Managing Risk,” PWC, New York, NY, Dec. 11, 2018 (panelist).
46. “On Being Liberal,” Phi Beta Kappa Induction Banquet, Indiana University, Bloomington, IN, Dec. 3, 2018.
47. “Applications of Artificial Intelligence,” Workshop on AI and Data Protection, Singapore Personal Data Protection Commission and Centre for Information Policy Leadership, Singapore, Nov. 16, 2018 (moderator)
48. “Industry Working Session on AI and Data Protection,” Centre for Information Policy Leadership, Brussels, Oct. 23, 2018 (moderator).
49. “The Concept of ‘Fairness’ in Data Protection,” Official Event of the 40th International Conference of Data Protection and Privacy Commissioners, Brussels, Oct. 23, 2018 (moderator).

50. “The Next Global Trends: Roundtable on the Future of the International System,” National Intelligence Council, South Bend, IN, Oct. 12, 2018.
51. “Technology, Privacy, & Politics in Indiana,” Government Affairs Society of Indiana 2018 Annual Conference, Indianapolis, IN, Sep. 25, 2018.
52. “Artificial Intelligence and Data Protection: Observations on a Growing Conflict,” Center for Law & Public Utilities 17th Annual International Conference, The Law’s Evolution and Response to Data-Driven Innovation, Seoul National University and University of Hawaii, Honolulu, HI, Sep. 7, 2018.
53. “World Projects Implementation Workshop,” Columbia University, New York, NY, Jun. 8, 2018.
54. “On Liberty and Law,” Gala for Indiana Legal Services, Phi Alpha Delta, Bloomington, IN, Apr. 10, 2018.
55. “Artificial Intelligence and Data Protection: Delivering Sustainable AI Accountability in Practice,” Centre for Information Policy Leadership, Washington, DC, Mar. 28, 2018.
56. “Civil Society Roundtable,” German Marshall Fund, Brussels, Mar. 20, 2018.
57. “EU/US Roundtable,” Transatlantic Policy Network, Brussels, Mar. 19, 2018 (keynote).
58. “Government Access to Private-Sector Data,” Surveillance, Privacy, and Civil Society, Cybersecurity Working Group, Cornell University, Ithaca, NY, Feb. 12, 2018.
59. “Cybersecurity Implications for Telecom Businesses and their Customers,” Utility Law Section Fall Seminar, Indiana State Bar Association, Bloomington, IN, Oct. 26, 2017.
60. “The Limits of Consent,” All Data is Health Data: The Impact of Data and Data Laws on Clinical Care, Innovation, and Research, Hall Center for Law & Health/*Indiana Health Law Review*, Indiana University McKinney School of Law, Indianapolis, IN, Oct. 20, 2017 (keynote).
61. “Changing Demands on Lawyers and Judicial Officers in the Digital Age” and “Teaching Lawyers New Tricks: Challenges/Opportunities for Achieving Technological Competence,” CLE in the 21st Century: Helping Lawyers Meet the Challenges of the Digital World, Indiana Supreme Court and Indiana CLE Commission, Indianapolis, IN, Oct. 19, 2017 (panelist).
62. “Turn & Face the Change: Indiana Here, Now & Moving Forward,” Indiana Arts Homecoming, Indiana Arts Commission, Indianapolis, IN, Oct. 6, 2017 (panelist).
63. “The Rise of Cybersecurity and Its Impact on Data Protection,” International Conference of Data Protection and Privacy Commissioners, Hong Kong, Sep. 29, 2017 (moderator).
64. “Cyberinsecurity,” Governmental Affairs Society of Indiana 2017 Annual Conference, Bloomington, IN, Sep. 15, 2017.
65. “Climate Change in a Politically Charged Environment,” WTIU and the Media School, Bloomington, IN, Sep. 11, 2017 (moderator).

66. “Privacy and Security under the New US Administration,” Settling in to the New World of 2017, Centre for Information Policy Leadership at Hunton & Williams LLP Annual Executive Retreat, Washington, DC, Jul. 20, 2017 (moderator).
67. “A Bird’s Eye View of Privacy & Data Security,” *Eighteenth Annual Privacy Law Institute*, PLI, Chicago, IL, Jun. 12, 2017.
68. “A Conversation with Cecilia Conrad,” Council for Advancement and Support of Education 2017 Annual Conference for Corporate & Foundation Relations Officers, Chicago, IL, May 10, 2017.
69. “Using Research to Address Grand Challenges,” Senior Research Officers Meeting, American Association of Universities, Austin, TC, Mar. 7, 2017 (panelist).
70. “Streamlining Campus Policies, Procedures and Processes to Reduce Burden,” Senior Research Officers Meeting, American Association of Universities, Austin, TX, Mar. 6, 2017 (panelist).
71. “Legal Processes,” Workshop on the Future of Encrypted Communications, Hoover Institution Center Johnson Center, Stanford University, Washington, DC, Dec. 7, 2016 (moderator).
72. “Privacy Imperative and Internet-Enabled Everything,” Acxiom Executive Summit, Kiawa Island, SC, Nov. 3, 2016.
73. “Strong Encryption and Government Access: The Role of the National Academies,” Governing Board of the National Research Council, Washington, DC, Nov. 2, 2016.
74. “The Election and Cyber-Security,” Noon Edition, WFIU, Bloomington, IN, Oct. 7, 2016.
75. Foreign Policy and the Next President, Indiana University School of Global and International Studies/WFIU, Bloomington, IN, Oct. 6, 2016.
76. “Apple Encryption,” 2016 National Association of Legislative Information Technology Professional Development Seminar, National Conference of State Legislatures, Indianapolis, IN, Sep. 14, 2016.
77. “Cybersecurity and a University Education,” Freshman Honors Convocation, University of South Florida, Tampa, FL, Sep. 9, 2016.
78. “University Grand Challenges,” Universities Solving Global Science & Technology Programs by Leveraging Grand Challenges and Sparking Entrepreneurship, White House, Washington, DC, Jul. 25, 2016.
79. “A Discussion of the Law and Policy Issues Associated with the Encryption Debate,” National Academies Committee on Science, Technology, and Law, Washington, DC, Jul. 7, 2016.
80. Workshop on Encryption and Mechanisms for Authorized Government Access to Plaintext, National Academies, Washington, DC, Jun. 23-24, 2016 (chair)
81. “Government Access to Personal Information—Can We Get This Right?,” Privacy Agenda 2016, Centre for Information Policy Leadership Annual Executive Retreat, Washington, DC, Jun. 15, 2016 (moderator).
82. “Security vs. Security,” I-Light 10th Anniversary Members Meeting, Indianapolis, IN, Jun. 9, 2016.

83. “Apple Encryption,” Task Force of Cyber Security, National Conference of State Legislatures, Minneapolis, MN, May 21, 2016.
84. “National Security and Grand Strategy,” America’s Role in the World: Issues Facing the Next President Inaugural Conference, School of Global and International Studies, Indiana University, Bloomington, IN, Mar. 31, 2016 (panelist).
85. Systematic Government Access to Private-Sector Data Workshop, The Privacy Projects, London, Mar. 1-2, 2016 (co-organizer and co-moderator).
86. Cybersecurity and Changing Notions of Power,” Center for the Study of Global Change, Indiana University, Bloomington, IN, Feb. 20, 2016.
87. “Securing our future in cyberspace—Next steps,” Australia National University, Canberra, Feb. 19, 2016 (panelist).
88. “Taming cyberspace—Applying international law in a new domain,” Australia National University, Canberra, Feb. 17, 2016.
89. “Celebration of Secretary John Churchill,” Phi Beta Kappa, Washington, DC, Dec. 3, 2015.
90. “The Not-So-Private Lives of Hoosiers: How Technology is Threatening our Privacy,” ACLU, Bloomington, IN, Dec. 2, 2015 (panelist).
91. “Identifying and Solving Research Grand Challenges,” Association of Public and Land-grant Universities 128th Annual Meeting, Indianapolis, Nov. 16, 2015 (panelist).
92. “The Data Dilemma: A Transatlantic Discussion on Privacy, Security, Innovation, Trade, and the Protection of Personal Data in the 21st Century,” Indiana University, Berlin, Nov. 2, 2015 (moderator).
93. Workshop on Privacy for the Intelligence Community, National Academies of Sciences, Engineering, and Medicine, Washington, DC, Jul. 21-22, 2015 (moderator and chair of the organizing committee).
94. “Stemming the Tide of Cyber Crime,” National Lieutenant Governors Association Annual Meeting, Indianapolis, IN, Jul. 9, 2015 (panelist).
95. Open Session, 43rd Asia Pacific Privacy Authorities (APPA) Forum, Hong Kong, Jun. 12, 2015 (participant).
96. “Big Data and the Future of Data Protection,” International Conference on Big Data from a Privacy Perspective, Hong Kong Privacy Commissioner for Personal Data, Hong Kong, Jun. 10, 2015.
97. “The Limits of Notice and Choice,” Privacy & Innovation: In Pursuit of Right Incentives, University of Hong Kong Law and Technology Centre, University of Amsterdam Institute for Information Law, Internet Society of Hong Kong, Hong Kong, Jun. 9, 2015.
98. “Ubiquitous Surveillance and Big Data,” Indiana Graduate Program for Judges, Indiana Judicial Center, French Lick, IN, Jun. 1-5, 2015.

99. “Fusion of Administrative, Program, and Clinical Data—The Future of Health Care,” Healthcare Information and Management Systems Society, Rosslyn, VA, May 21, 2015 (panelist).
100. “Privacy Regulation—Reactive, Proactive or Interactive and Sustainable?,” Privacy Vision 2020—Preparing for Long-term Privacy and Information Trends and Near-term Changes in Compliance Obligations, Centre for Information Policy Leadership at Hunton & Williams LLP Annual Executive Retreat, Washington, DC, May 20, 2015 (moderator).
101. Privacy Awareness Week Privacy Q&A, iappANZ, Sydney, Australia, May 8, 2015 (panelist).
102. Privacy Awareness Week Privacy Seminar, iappANZ, Auckland, NZ, May 7, 2015.
103. Privacy Awareness Week Privacy Seminar, iappANZ, Wellington, NZ, May 6, 2015.
104. Privacy Awareness Week Privacy Seminar, iappANZ, Melbourne, Australia, May 5, 2015.
105. “Use-based vs. Collection-based Models for Privacy Regulation,” 2015 International Association of Privacy Professionals Global Privacy Summit, Washington, DC, Mar. 6, 2015.
106. “Risk Management in Practice,” A Privacy Risk Framework and the Risk-based Approach to Privacy—Workshop III, Centre for Information Policy Leadership, Washington, DC, Mar. 3, 2015 (moderator).
107. “The Future of Responsible Big Data,” Centre for Information Policy Leadership, Washington, DC, Mar. 3, 2015 (moderator).
108. Data Strategy for Health Research, Center for Law, Ethics, and Applied Research in Health Information, Bloomington, Dec. 11-12, 2014.
109. “Benefits and Challenges of a Risk-based Approach,” Privacy Risk Framework and the Risk-based Approach to Privacy—Workshop II, Centre for Information Policy Leadership, Brussels, Nov. 17-18, 2014 (moderator).
110. “Big Data in the USA and UK: Legal Issues and Challenges,” Legal Issues and Challenges in the Age of Big Data, 11th Annual International Conference, Seoul National University College of Law/School of Law Center for Law & Public Utilities, Honolulu, HI, Nov. 6-7, 2014.
111. “Digital Privacy and Cybersecurity: A 21st Century Journey or Illusion?,” 2014 Technology Exchange, Internet2 and the Department of Energy’s Energy Sciences Network, Indianapolis, IN, Oct. 29, 2014.
112. Big Data is Not a Monolith, Indiana University Maurer School of Law and School of Informatics and Computing, Bloomington, IN, Oct. 10, 2014.
113. “The Promise and Perils of Big Data,” Capitol Hill Colloquium, School of Public and Environmental Affairs, Washington, DC, Oct. 9, 2014.
114. “Naked Before the Law: The Role of Law in Information Security,” Workshop for Judges of the Seventh Circuit, Bloomington, IN, Oct. 6, 2014.

115. Understanding Future Opportunities, Acxiom Forum on Ethical Marketing, Washington, DC, Sep. 25, 2014 (panelist)
116. “Privacy Challenges in Health Innovation,” Health Privacy Clinic, Center for Law, Ethics and Applied Research in Health Information and the International Association of Privacy Professionals, San Jose, CA, Sep. 17, 2014 (keynote).
117. “Security in the Digital Age,” Phi Beta Kappa Association of the Chicago Area, Chicago, IL, Jun. 29, 2014 (panelist).
118. “The Value of Information Security,” TechWeek Chicago, Chicago, IL, Jun. 28, 2014 (moderator).
119. “The Failure of Notice and Consent,” Workshop on the Future of Privacy Notice and Consent, Carnegie Mellon University, Pittsburgh, Jun. 27, 2014 (keynote).
120. “Big Data and the Internet of Things,” Getting Practical in Privacy—Solutions in the Era of Big Data and the Internet of Things, Center for Information Policy Leadership at Hunton & Williams, LLP, Washington, DC, Jun. 26, 2014 (moderator).
121. “The ‘Privacy Bridge Project’,” Getting Practical in Privacy – Solutions in the Era of Big Data and the Internet of Things, Center for Information Policy Leadership at Hunton & Williams, LLP, Washington, DC, Jun. 26, 2014 (panelist).
122. DiabetesMine D-Data ExChange, San Francisco, CA, Jun. 13, 2014 (participant).
123. “Saving the Surveillance Society,” MiniUniversity, Indiana University, Bloomington, IN, Jun. 10, 2014 (keynote).
124. “Risk Assessment in Information Management: The Role of Data Protection Authorities and Individuals,” Center for Applied Cybersecurity Research, London, Jun. 3, 2014 (moderator and organizer).
125. “Enhancing Accountability in Government Access to Private-Sector Data: A Multinational Dialogue,” The Privacy Projects, London, May 30, 2014 (co-organizer).
126. “The Role of Data in the 21st Century: Opportunities and Challenges,” Indiana University Libraries In-House Institute, Bloomington, IN, May 12, 2014 (keynote).
127. “Enhancing Accountability in Government Access to Private-Sector Data: A Multinational Dialogue,” The Privacy Projects, Montreal, May 9, 2014 (co-organizer).
128. “Rethinking Data Protection for the 21st Century,” *International Association of Privacy Professionals Europe Data Protection Intensive 2014*, London, May 1, 2014 (panelist).
129. “Privacy Bridge Project,” Massachusetts Institute of Technology and the Institute for Information Law of the University of Amsterdam, Amsterdam, Apr. 28-29, 2014 (participant).
130. “Values at Stake, Values in Tension: Privacy and Beyond,” *Big Data: Values and Governance*, White House Office of Science and Technology Policy and the University of California Berkeley School of Information, Mar. 30-31, 2014, Berkeley, CA (panelist).

131. “Protecting Privacy in a Data-driven Economy: Taking Stock of Current Thinking,” *OECD Expert Roundtable*, OECD, Paris, Mar. 21, 2014.
132. “What are the Prospects for a More Risk-based Approach?,” *Privacy Risk Framework and Risk-based Approach to Privacy*, Centre for Information Policy Leadership at Hunton & Williams LLP, Paris, Mar. 20, 2014 (moderator).
133. “DPAs’ Initial Reactions on Privacy Risks and a More Risk-Based Approach,” *Privacy Risk Framework and Risk-based Approach to Privacy*, Centre for Information Policy Leadership at Hunton & Williams LLP, Paris, Mar. 20, 2014 (moderator).
134. “Thinking Ahead vs. Keeping Up: the Challenge to Think Strategically,” *2014 International Association of Privacy Professionals Global Privacy Summit*, Washington, DC, Mar. 6, 2014 (moderator).
135. “Free Speech in Relation to Privacy,” *Dialogues on Free Speech*, University of Texas, Austin, TX, Feb. 6, 2014 (panelist).
136. “Rethinking Foundations for Accountability,” *2nd International Workshop on Accountability: Science, Technology and Policy*, Carnegie Mellon University, U.S. Naval Research Laboratory, and Massachusetts Institute of Technology, Cambridge, MA, Jan. 29-30, 2014.
137. “The Promise and Perils of Personal Information in Healthcare,” Health Informatics Tri-state Summit, University of Southern Indiana, Evansville, IN, Jan. 29, 2014.
138. *Clemency Hearing for Edward J. Snowden*, Sagamore American Inn of Court. Indianapolis, Jan. 8, 2014 (moderator).
139. “Overview of the Cyberthreat Landscape in Healthcare,” *Cybersecurity in Healthcare: Addressing Ethical Use and Protection of Sensitive Health Information*, Center for Law, Ethics, and Applied Research in Health Information, Indianapolis, Dec. 12, 2013.
140. “Understanding State, Federal, and International Laws Guiding the Protection and Proper Use of Health Data,” *Cybersecurity in Healthcare: Addressing Ethical Use and Protection of Sensitive Health Information*, Center for Law, Ethics, and Applied Research in Health Information, Indianapolis, Dec. 12, 2013.
141. “Surveillance, Privacy, and the Rule of Law,” *Future of the Courts & Legal Profession—A Statewide Bench-Bar Symposium*, Indiana Judicial Center & Indiana State Bar Association, Indianapolis, Dec. 4, 2013 (keynote).
142. *CLEAR Strategy and Innovation*, CLEAR Health Information, Chicago, IL, Nov. 15, 2013 (moderator).
143. “Patient Engagement: Patient Access to Device, Sensor, Diagnostics and Other Real-time Data,” *Healthcare Innovation Privacy*, International Association of Privacy Professionals and CLEAR Health Information, Chicago, IL, Nov. 14, 2013 (moderator).
144. *Strategy and Statecraft in Cyberspace*, Australia National University National Security College, Canberra, Nov. 8, 2013.

145. *Data Risk Management Workshop*, Center for Applied Cybersecurity Research, London, Nov. 1, 2013 (moderator and organizer).
146. “Security and Privacy in a Cyberwar World: A Conversation about Edward Snowden, the NSA, and the Outlook for Reform,” Statewide IT Conference, Indiana University, Bloomington, IN, Oct. 29, 2013 (panelist).
147. *Red Alert: Is the U.S. Responding to the Perception or Reality of China’s Cyberthreat?*, Center for Applied Cybersecurity Research Annual Summit, Indianapolis, Oct. 21, 2013 (moderator and organizer).
148. *NIST Cybersecurity Framework*, Microsoft, Washington, DC, Oct. 24, 2013 (moderator).
149. “The Nexus for Compliance and Enforcement,” *35th Annual International Conference of Data Protection and Privacy Commissioners*, Warsaw, Poland, Sep. 26, 2013 (moderator).
150. *The Summer of Surveillance: What Does It Mean for the Legal System?*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sep. 20, 2013.
151. *The Role of the FTC in Information Privacy and Security*, Center for Applied Cybersecurity Research, Westerly, RI, Sep. 11-12, 2013.
152. *Can You Hear Me Now? A Panel Discussion on Edward Snowden and the NSA Surveillance Program*, Center on American and Global Security, Bloomington, Sep. 6, 2013 (panelist).
153. “Privacy Protection and Big Data,” *1st Academic Symposium on Privacy and Security in Cyberspace*, Beijing University of Post and Telecommunications Institute of Internet Governance and Law, Beijing, Aug. 13, 2013.
154. “Enhancing Trust about Cybersecurity in China and the United States,” *4th Forum on Internet Governance and Law*, Beijing University of Post and Telecommunications Institute of Internet Governance and Law and United States Information Technology Office, Beijing, Aug. 12, 2013.
155. “Surveillance and its Impact,” *First Friday Call*, Centre for Information Policy Leadership at Hunton & Williams LLP, Jul. 12, 2013 (webinar).
156. “National Security Surveillance, the Rule of Law, and the Challenge for U.S. Interests: What Edward Snowden Won’t Tell You,” Summer Language Workshop (SWSEEL), Indiana University, Jul. 11, 2013.
157. “The Legal Landscape,” *Cybersecurity 2013: Managing the Risk*, PLI, New York, NY, Jul. 1, 2013.
158. “Information Security for Fun and Profit,” *Mini University*, Indiana University, Bloomington, IN, Jun. 13, 2013.
159. *Roundtable on Systematic Government Access to Private-Sector Data*, London, UK, Jun. 3, 2013 (co-organizer).
160. *Data Use and Impact Global Workshop*, London, UK, May 30-31, 2013 (co-organizer and co-moderator).

161. “The Promise and Perils of Personal Information in Healthcare,” *2nd Annual Western Canada Health Information Privacy Symposium*, Winnipeg, Canada, May 15, 2013 (keynote).
162. “The Growing Importance (and Irrelevance) of International Data Protection Law,” *2013 Manitoba Access, Privacy, Security & Information Management Conference—Making Connections*, Office of the Manitoba Ombudsman, Winnipeg, Canada, May 14, 2013 (keynote).
163. “The Promise and Perils of Personal Information in Healthcare,” *Monroe Owen County Medical Society Annual Meeting*, Bloomington, IN, May 2, 2013 (keynote).
164. “Cybersecurity Threats and Policy Issues,” Annual Retreat of the IU Credit Union Board of Directors, French Lick, IN, Apr. 26, 2013 (virtual).
165. “Privacy Principles for the 21st Century,” Privacy Policy Workshop, Microsoft Corporation, Redmond, WA, Apr. 24, 2013.
166. “Cybersecurity Challenges in Higher Education,” Internet2 Annual Members Meeting, Crystal City, VA, Apr. 22, 2013 (panelist).
167. “Accountability Through Attribution: Real Name vs Anonymity,” *U.S.-China Internet Industry Forum*, Microsoft Corporation and Internet Society of China, Beijing, China, Apr. 10, 2013 (panelist).
168. “Transforming Society and Bridging Cultural Differences via Online Services,” *U.S.-China Internet Industry Forum*, Microsoft Corporation and Internet Society of China, Beijing, China, Apr. 10, 2013 (panelist).
169. “Password Vulnerability and Liability,” *First Friday Call*, Centre for Information Policy Leadership at Hunton & Williams LLP, Apr. 5, 2013 (webinar).
170. “Effective Data Protection for the 21st Century,” *2013 International Association of Privacy Professionals Global Privacy Summit*, Washington, DC, Mar. 7, 2013 (moderator).
171. “Accountability in Distributed Environments,” *Accountability Phase V—The Essential Elements in Distributed Environments*, Centre for Information Policy Leadership, Warsaw, Feb. 21, 2013 (moderator).
172. “Is There Any Hope for Cybersecurity?,” Indiana University Retirees’ Association, Bloomington, IN, Feb. 13, 2013.
173. “Critical Infrastructure Executive Order,” *Cybersecurity Briefing*, Centre for Information Policy Leadership at Hunton & Williams LLP, Feb. 13, 2013 (webinar).
174. *Revising the OECD Privacy Guidelines*, Oxford Internet Institute, University of Oxford, London, Jan. 23-25, 2013 (co-organizer and co-moderator).
175. “On Being Liberal,” Phi Beta Kappa Installation, Gamma of Oklahoma, Oklahoma State University, Stillwater, OK, Jan. 17, 2013.
176. “Consent for the Use of Data in Health Research: Where Law and Ethics Collide,” *Health Information and Ethical Representation: Addressing Uncertainty in Regulations, Risks, and Roles*, Center for Law, Ethics, and Applied Research in Health Information, Indianapolis, Dec. 6, 2012.

177. "Cybersecurity Threats and Responses," Changing National Security Priorities: 2013-2020, School of Public and Environmental Affairs, Indiana University, Bloomington, IN, Nov. 29-30, 2012.
178. "NHC Research on the HIPAA Privacy Rule and Its Impact on Medical Research," National Health Council *2012 Washington Representatives Retreat*, Annapolis, MD, Nov. 29, 2012.
179. "The Growing Importance—and Irrelevance—of Data Protection Law," 2012 PIPA Conference, Offices of the Information and Privacy Commissioners of Alberta and British Columbia, Calgary, Canada, Nov. 1-2, 2012 (keynote).
180. *Mr. President, We Have a Situation*, 2012 CACR Cybersecurity Summit, Center for Applied Cybersecurity Research, Indianapolis, IN, Oct. 29, 2012 (moderator & organizer).
181. "Technology," Global Trends 2030: Alternative Worlds, Office of the Director of National Intelligence and the Indiana University School of Public and Environmental Affairs, Bloomington, IN, Oct. 27, 2012.
182. "Private-Sector Profiling," Closed Session of the 34th *International Data Protection and Privacy Commissioners' Conference*, Punta del Este, Uruguay, Oct. 25, 2012.
183. "Privacy, Law and Technology: What Happens Next?," Stanford Law School, Stanford, CA, Oct. 6, 2012 (panelist).
184. "Big Data in Healthcare: The Future of Healthcare Innovation and the Regulations that Will Kill It," Microsoft Research, Mountain View, CA, Oct. 5, 2012.
185. "Is There Any Hope for Cybersecurity," Stanford University Computer Science Department, Stanford, CA, Oct. 4, 2012.
186. "Consumer Privacy in an Age of Universal and Instant Communications," *Advance 2012*, ID Analytics, San Diego, CA, Oct. 3, 2012 (panelist).
187. "Cate vs. Shel: The Great Cloud Debate," *Statewide IT Conference*, Indiana University, Bloomington, IN, Sep. 24, 2012.
188. *Roundtable on Cyber Threats, Objectives, and Responses*, Center for Applied Cybersecurity Research, Pentagon City, VA, Sep. 20-21, 2012 (moderator & organizer).
189. *Microsoft Global Privacy Summit*, Microsoft Corporation, Redmond, WA, Sep. 11-12, 2012 (moderator & organizer).
190. "A Time to Act," 43rd *Triennial Council of Phi Beta Kappa*, Palm Beach, FL, Aug. 2-4, 2012.
191. "Overclocked: Law and Privacy in the Digital World," *2012 Bench Bar Conference*, Indianapolis Bar Association, French Lick, IN, Jun. 15, 2012 (keynote).
192. "The Supreme Court and Privacy in the Commercial Sector," The Centre for Information Policy Leadership Annual Retreat, Washington, DC, Jun. 13, 2012 (panelist).

193. “Understanding the Risk to Privacy When Establishing a Basis to Process Data,” *Accountability Phase IV—The Brussels Project*, Centre for Information Policy Leadership, Brussels, May 31, 2012 (moderator).
194. *In the Clouds: Data Privacy, Cloud Computing and Government’s Role*, United States Mission to the European Union, Brussels, May 30, 2012.
195. *North American Regional Privacy Dialogue*, Microsoft Corporation, Washington, DC, May 24, 2012 (moderator & organizer).
196. “Comparative Perspectives on the Economics of Information Security: the United States,” *The Political Economy of Information Security in China*, Institute on Global Conflict and Cooperation Project on the Study of Innovation and Technology in China, University of California San Diego, La Jolla, CA, Apr. 9-10, 2012.
197. *Information Security for Military Families*, Center for Applied Cybersecurity Research, Bloomington, IN, Apr. 11, 2012 (moderator).
198. *Systematic Government Access to Private-Sector Data*, Institute for Information Policy Research and the Center for Democracy & Technology, Washington, DC, Apr. 3, 2012 (co-organizer and co-moderator).
199. “HIPAA: Can It Protect Patients Without Impeding Research?,” *Accelerating Science: Concept to Clinic*, American Association for Cancer Research Annual Meeting, Chicago, IL, Apr. 2, 2012.
200. “Lawful Access to Data in the Cloud –U.S. Situation,” *Law Enforcement Access to the Cloud*. Georgetown University Law Center, Mar. 20, 2012 (panelist).
201. “Big Health Data: The Future of Healthcare and Innovation, and the Regulations and Policies That Will Kill It,” *2012 International Association of Privacy Professionals Global Privacy Summit*, Washington, DC, Mar. 9, 2012 (panelist).
202. “Accountability in Practice,” *Accountability Phase IV—The Brussels Project Experts Meeting*, Centre for Information Policy Leadership, Brussels, Feb. 22-23, 2012 (moderator).
203. *Internet & Society: Privacy, Freedom and Security*, PACE Issues Forum 2012, Indiana University, Bloomington, IN, Feb. 18, 2012 (panelist).
204. *The Role of Consent in Health Information Research*, Health Care Ethics Seminars, Poynter Center for the Study of Ethics and American Institutions, Indiana University, Bloomington, IN, Jan. 19, 2012.
205. “Privacy and Security in the Cloud: How Should Access to Data Be Governed?,” *U.S.-China Internet Industry Forum*, Microsoft Corporation and Internet Society of China, Washington, DC, Dec. 7, 2011 (panelist).
206. “Consent in Health Care: Ethical Considerations for Attorneys,” *Health Information and Ethical Representation: Critical Intersections for the Health Lawyer*, Center for Law, Ethics, and Applied Research in Health Information, Indianapolis, Dec. 5, 2011.

207. *The Growing Importance (and Irrelevance) of International Data Protection Law*, The 2011 Snyder Lecture, Lauterpacht Centre for International Law, University of Cambridge, Cambridge, UK, Nov. 14, 2011.
208. *Government Access to Personal Data*, Beihang University School of Law, Beijing, Oct. 19, 2011.
209. *Information Security in Global Data Flows*, Beijing Institute of Technology School of Law, Beijing, Oct. 19, 2011.
210. *Data Protection at a Crossroads*, Beihang University School of Law, Beijing, Oct. 18, 2011.
211. *Achieving Workable Security in a Multinational World*, Academic Symposium on the Internationalization of Cyberspace, United States Information Technology Office, Information Technology Industry Council, & Beijing University of Posts and Telecommunications, Beijing, Oct. 18, 2011.
212. *Accelerating Research: Increasing Privacy Protection and Reducing Research Impediments*, 2011 C-Change Annual Meeting, Washington, DC, Oct. 6, 2011.
213. *Increasing Privacy Protection and Reducing Research Impediments*, 2011 C-Change Annual Meeting, Washington, DC, Oct. 5, 2011 (panelist).
214. *Surviving and Prospering in the Digital Data Deluge*, Oxford Digital Data Dialogue, Oxford Internet Institute & Center for Applied Cybersecurity Research, Oxford, UK, Sep. 21-22, 2011 (co-organizer & co-moderator).
215. *Global Privacy Issues in an Evolving Healthcare Environment*, Ethics and Compliance Operations 2011, Eli Lilly and Company, Indianapolis, IN, Sep. 7, 2011.
216. *Surviving the Digital Data Deluge*, Nerdstock, 3M, St. Paul, MN, Jun. 27, 2011 (keynote).
217. *Killing Us Softly: How Federal Regulation of Personal Health Information Is Killing People and Privacy*, Mini University, Indiana University, Bloomington, IN, Jun. 22, 2011.
218. "Is Self-Regulation Dead? The Coming New Regime for Privacy and Security," *Twelfth Annual Privacy Law Institute*, PLI, New York, NY, Jun. 21, 2011.
219. *What Do the Common Elements of Next Generation Privacy Law Mean for My Business?*, The Centre for Information Policy Leadership Annual Retreat, Santa Clara, CA, Jun. 16, 2011 (co-moderator).
220. *Policy Instructions for the Government Relations*, The Centre for Information Policy Leadership Annual Retreat, Santa Clara, CA, Jun. 16, 2011 (co-moderator).
221. "Information Privacy and Security," *Indiana Graduate Program for Judges*, Indiana Judicial Center, Nashville, IN, Jun. 5-10, 2011.
222. *Accountability Phase III—The Madrid Project*, Centre for Information Policy Leadership, Madrid, May 24-25, 2011 (participant).
223. *Protecting Individual Privacy in the Struggle against Terrorists*, National Academy of Sciences Annual Meeting, Washington, DC, May 1, 2011.

- 224. *Privacy in Finance and Health*, Microsoft Innovation Outreach Partnership, New York, NY, Apr. 27, 2011 (panelist).
- 225. *Balancing the Privacy Concerns of Citizens, Corporations & Government*, Microsoft Innovation Outreach Partnership, New York, NY, Apr. 26, 2011 (moderator).
- 226. “Making Hay in a Civil Way: Is Discourse Off Course?,” O’Bannon Institute for Community Service, Bloomington, IN, Apr., 8, 2011 (panelist).
- 227. *Accountability Phase III—The Madrid Project Experts Meeting*, Centre for Information Policy Leadership, Madrid, Feb. 9, 2011 (participant).
- 228. *The FTC’s New Privacy Report: What You Should Know*, American Bar Association Section of Antitrust Law telephonic program, Dec. 14, 2010 (co-moderator).
- 229. “The Regulatory Processes: FTC and CFPB Powers Regarding Unfair, Deceptive and Abusive Practices,” *The FTC, the CFPB and Consumer Privacy Protection 2010*, International Association of Privacy Professionals Practical Privacy Series, Washington, DC, Dec. 7, 2010 (moderator).
- 230. “Privacy, Research, and the HIPAA Privacy Rule,” C-Change Annual Meeting—*Fast Forward: Health Reform and Beyond*, College Station, TX, Nov. 20, 2010.
- 231. “Government Access to Private Sector Data,” *32nd International Conference of Data Protection and Privacy Commissioners*, Jerusalem, Oct. 27-29, 2010 (moderator).
- 232. “Internet, Blogs, and Social Networking,” Annual Meeting of the Judicial Conference of Indiana, Indianapolis, IN, Sep. 21, 2010.
- 233. “Cyber Peacetime Security and Cyberwar,” *From Cybersecurity to Cyberwar: An EMC Chair-Sponsored Workshop*, U.S. Naval War College, Newport, RI, Sep. 9-11, 2010.
- 234. “The Big Picture: Looking Ahead from 50,000 Feet,” *Eleventh Annual Privacy Law Institute*, PLI, Chicago, IL, Jul. 20, 2010.
- 235. *Accountability Phase II—The Paris Project*, Centre for Information Policy Leadership, Paris, Jun. 25, 2010 (participant).
- 236. “The Big Picture: Looking Ahead from 50,000 Feet,” *Eleventh Annual Privacy Law Institute*, PLI, New York, NY, Jun. 22, 2010.
- 237. “Liberty and Law,” Phi Beta Kappa Address, Stanford University, Stanford, CA, Jun. 11, 2010.
- 238. “Data Can be Good: Exploring Alternatives to Data Minimization for Protecting Privacy,” *2010 International Association of Privacy Professionals Global Privacy Summit*, Washington, DC, Apr. 21, 2010 (panelist).
- 239. “Internet, Blogs & Social Networking: Legal and Ethical Issues,” *Spring Judicial College Program*, Indiana Judicial Center, Indianapolis, IN Apr. 15, 2010.

240. "The History and Purpose of Phi Beta Kappa," Academic Convocation, Elon University, Elon, NC, Apr. 13, 2010.
241. "A Nation Under Siege: Information Security and the Attack on American Interests," *Center for Applied Cybersecurity Research Higher Education Cybersecurity Summit*, Indianapolis, IN, Apr. 1, 2010.
242. "Access Denied: Navigating the Legal Challenges to Newsgathering," A televised roundtable sponsored by the Indiana University Maurer School of Law and School of Journalism, the Elon Program for Documentary Production, and WTIU, Bloomington, IN, Mar. 20, 2010 (moderator and organizer).
243. "Liberty and Law," Phi Beta Kappa Address, Purdue University, West Lafayette, IN, Mar. 25, 2010.
244. "Legal Issues in Pervasive and Autonomous Information Technology," *Ethical Guidance for Research and Application of Pervasive and Autonomous Information Technology*, Association for Practical and Professional Ethics & Indiana University Poynter Center for the Study of Ethics and American Institutions, Cincinnati, OH, Mar. 3-4, 2010.
245. "Private Data in Public Hands," *Navigating the Digital Ocean: Riding the Waves of Change*, 11th Annual Privacy and Security Conference and Exposition, Victoria, BC, Feb. 9-10, 2010.
246. "Protecting Privacy in Health Research: The Limits of Notice and Choice," *Symposium Celebrating the 50th Anniversary of Dean William L. Prosser's Privacy*, *California Law Review*, University of California Berkeley, Berkeley, CA, Jan. 29, 2010.
247. "The NAS Privacy Framework," *Practical Privacy Series*, International Association of Privacy Professionals, Washington, DC, Dec. 8-9, 2009.
248. "Electronic Discovery in Civil Litigation and Cross Border Data Flows," *The 2009 Conference on Cross Border Data Flows, Data Protection and Privacy*, U.S. Department of Commerce & European Commission, Washington, DC, Nov. 16-18-2009.
249. "Compliance in Privacy and Information Security," *College and University Compliance Programs: Obligations, Organization & Implementation*, National Association of College and University Attorneys, Washington, DC, Nov. 12, 2009 (panelist).
250. "Society Under Surveillance? Striving for a Balance Between Security and Privacy," *31st International Conference of Data Protection and Privacy Commissioners*, Madrid, Nov. 4-6, 2009.
251. "Privacy and Ethics of Medical Information Governance," *Corporate Integrity: Meeting the Challenges and Doing the Right Thing*, Indiana University School of Law—Indianapolis, Indianapolis, IN, Oct. 13, 2009 (panelist).
252. *News from the Future: Impact of the Privacy and Security Law Policies of the New Administration*, Tenth Annual Privacy Law Institute, PLI, New York, NY, Jun. 23, 2009.
253. "Strategic Information Management: Beyond Personal Information," International Association of Privacy Professionals Audio Conference, May 21, 2009.

254. *Civil Discovery: Privacy Protection v. Full Disclosure*, 58th Annual meeting of the Seventh Circuit Bar Conference and Judicial Conference of the Seventh Circuit, Indianapolis, IN, May 18, 2009.
255. *Accountability Phase I—The Galway Project*, Centre for Information Policy Leadership, Dublin, France, Apr. 28, 2009 (participant).
256. “Global Privacy and the Endless Entanglements of US Laws—Are you Consulting with your Litigators?,” International Association of Privacy Professionals Audio Conference, Apr. 20, 2009.
257. *Between a Rock and a Hard Place: Managing Conflicts Between U.S. National Security Laws and Canadian Privacy Protection Requirements*, American Bar Association Section of International Law 2009 Spring Meeting, Washington, DC, Apr. 16, 2009.
258. “Global Privacy and the Endless Entanglements of US Laws—Are you Consulting with your Litigators?,” *International Association of Privacy Professionals Privacy Summit*, Washington, DC, Mar. 11-13, 2009.
259. “Strategic Information Management: Beyond Personal Information,” *International Association of Privacy Professionals Privacy Summit*, Washington, DC, Mar. 11-13, 2009.
260. *Security Breach Notification Symposium*, Berkeley Center for Law & Technology—Berkeley Technology Law Journal, Mar. 6, 2009.
261. *Workshop on the Economics of Securing the Information Infrastructure*, Institute for Information Infrastructure Protection, Berkeley, CA, Mar. 5, 2009 (participant).
262. *Information Privacy and Security in the New Frontier*, ID Analytics Advisory Council, Carlsbad, CA, Feb. 24, 2009.
263. *The Role of Cybersecurity in Emergency Management and Homeland Security*, Safe Guarding America Symposium, Indiana University & U.S. Northern Command, Indianapolis, IN, Feb. 4, 2009.
264. “Profiling and Transparency in Privacy and Surveillance Systems: The Search for Proportionality,” *Computers, Privacy, Data Protection International Conference*, Brussels, Jan. 17, 2009.
265. *Essential Elements of Accountability*, Galway Project Experts Meeting, Dublin, Jan. 14, 2009 (moderator).
266. *Government Access to Personal Information: Cross Border Challenges*, Identity, Privacy and Security Public Lecture Series, University of Toronto, Nov. 24, 2008.
267. *High-Level Workshop on U.S. Civil Discovery and European Data Protection*, Center for Applied Cybersecurity Research & Centre for Information Policy Leadership, Brussels, Oct. 22, 2008 (organizer and moderator).
268. “US Domestic Legislation at International Level,” *Workshop on International Transfers of Personal Data*, European Commission & U.S. Department of Commerce, Brussels, Oct. 21, 2008.
269. *Protecting Privacy in a Borderless World*, 30th International Conference of Data Protection Commissioners, Strasbourg, France, Oct. 15-17, 2008.

270. "Between a Rock and a Hard Place: Conflicts Between U.S. Discovery Requirements and Government Agencies' Requests for Data and European Data Protection Law," *IAPP Data Protection and Privacy Workshop*, International Association of Privacy Professionals, Strasbourg, Oct. 14, 2008.
271. *The First Amendment in the 21st Century: The Internet and Beyond*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sep. 18, 2008.
272. *Privacy and Security Policy in a World of Ubiquitous Data Availability*, Center for Applied Cybersecurity Research, Bloomington, IN, Sep. 11, 2008.
273. *Privacy and Governmental Access to Data*, Navigate 2008, International Association of Privacy Professionals, New Castle, NH, Aug. 18-20, 2008.
274. *The World of Ubiquitous Data Availability*, Bloomington Rotary Club, Bloomington, IN, Jul. 22, 2008.
275. *News from the Future: What Privacy and Security Law Will Look Like Five Years from Now*, Ninth Annual Privacy Law Institute, PLI, New York, NY, Jun. 24, 2008.
276. *Privacy Law Scholars Conference 2008*, Washington, DC, Jun. 12-13, 2008 (commenter).
277. *Information Privacy and Security*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 2-6, 2008.
278. *CyberFest 2008*, Sandia National Laboratories, Albuquerque, NM, May 28-29, 2008 (participant).
279. *Emerging Identity Risk Trends*, Identity 2008, Carlsbad, CA, May 13, 2008.
280. *Complying with U.S. Laws, Policies, and Norms When Collecting and Using Biometric Data*, Biometrics and Security, Center for Strategic and International Studies, Washington, DC, Apr. 24, 2008 (panelist).
281. *Identity Theft: Fact or Fiction?*, The Sciencetech Club, Indianapolis, IN, Apr. 21, 2008.
282. *Data Dilemmas: Privacy, Security and Propriety of Electronic Information*, Cornell University, Ithaca, NY, Apr. 17, 2008.
283. *Privacy and Security in Higher Education*, Indiana Higher Education Cybersecurity Summit, Indianapolis, IN, Apr. 3-4, 2008.
284. *Investigations and Discovery*, Privacy Law: Developments, Planning, and Litigation, ALI-ABA Advanced Course of Study, Washington, DC, Mar. 13-14, 2008 (moderator and member of the organizing committee).
285. *Data Surveillance and National Security: Is Privacy Dead?*, Winter College 2008, Indiana University Alumni Association, Sanibel Island, FL, Feb. 15-17, 2008.
38. *Privacy and Autonomy in Health Research*, Committee on Health Research and the Privacy of Health Information: the HIPAA Rule, Institute of Medicine of the National Academies, Washington, DC, Feb. 14, 2008.

286. *Assessing Notice and Consent*, Data Privacy in Transatlantic Perspective: Conflict or Cooperation?, Duke Law School Center for International and Comparative Law and the Duke Center for European Studies, Durham, NC, Jan. 18, 2008 (panelist).
287. Plenary Privacy Panel, 2007 Annual Education Program of the Florida Conference of Circuit Judges, Ponte Vedra Beach, FL, Dec. 10, 2007 (panelist).
288. *Privacy and Security in Higher Education: The Policy Challenge*, Law for the University Administrator, Arizona State University, Tempe, AZ, Oct. 24, 2007 .
289. *The Identity Management Research Workshop: A Three Year Comprehensive Research Agenda*, Identity Management and Information Protection: Research to Action, Economic Crime Institute of Utica College 18th Annual Conference, Tyson's Corner, VA, Oct. 22, 2007 (panelist).
290. *Identity Theft, Security Breaches, Social Security Numbers, and Financial Fraud: the Times They are a-Changin'*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Oct. 9, 2007.
291. *The Autonomy Trap*, The Privacy Symposium—Summer 2007, Cambridge, MA, Aug. 24, 2007.
292. *Protecting Privacy and Security*, American Bar Association Annual Meeting, San Francisco, Aug. 12, 2007 (panelist).
293. *The Information Policy Conundrum*, EDUCAUSE Seminars on Academic Computing, Snowmass Village, CO, Aug. 7, 2007.
294. *Multinational E-discovery and Internal Investigations*, Center for Information Policy Leadership Information Policy Retreat, Redmond, WA, Jul. 18-20, 2007.
295. *The Impact of Policy Decisions, Legislation, and Regulatory Actions*, Identity Management Research Workshop, Center for Identity Management and Information Protection, Wye Plantation, MD, Jul. 11, 2007 (with Thomas M. Regan) (member of the organizing committee, facilitator, and speaker).
296. *What Lies Ahead? The Future of Regulation of Information Privacy and Security*, Eighth Annual Privacy Law Institute, PLI, New York, NY, Jun. 26, 2007.
297. *The Identity Theft Hoax*, Indiana University MiniUniversity, Jun. 19, 2007.
298. *The Role of Government in Assuring Accountability*, Introduction to the Role of Accountability in Privacy Law, Institute of Law, China Academy of Social Science, Beijing, Jun. 16, 2007.
299. *Consumer Protection and Privacy*, 2007 Privacy & Security Law Symposium, Tsinghua University Law School, Beijing, Jun. 15, 2007.
300. *The Privacy Hoax*, 2007 Conference on Interdisciplinary Studies in Information Privacy and Security, Rutgers University, New Brunswick, NJ, May 22, 2007.
301. *Electronic Evidence Gathering and Privacy*, 56th Annual meeting of the Seventh Circuit Bar Conference and Judicial Conference of the Seventh Circuit,, Milwaukee, WI, May 7, 2007 (panelist).

302. *U.S. Document Production and International Data Protection—Managing Conflicting Requirements*, Indiana University School of Law-Bloomington, Indianapolis, IN, Apr. 10-11, 2007 (organizer and convener).
303. *U.S. Document Production and International Data Protection*, Hunton & Williams LLP, London, Mar. 20, 2007.
304. *2010: A Privacy Odyssey?*, International Association of Privacy Professionals National Summit 2007, Washington, Mar. 9, 2007 (moderator).
305. *E-discovery and HR Data Protection*, Human Resources Working Group, International Association of Privacy Professionals National Summit 2007, Washington, Mar. 9, 2007 (panelist).
306. *2007 Annual Meeting of Faculty Leaders*, Indiana Commission for Higher Education, Indianapolis, IN, Feb. 23, 2007 (organizer and convener).
307. *The Failure of Fair Information Practices*, Stetson University College of Law, Gulfport, FL, Feb. 21, 2007.
308. *University Legal Responsibility in the “Facebook/MySpace” Era*, 28th Annual National Conference on Law and Higher Education, Clearwater Beach, FL, Feb. 19, 2007.
309. *The Identity Theft Epidemic: Fact or Fiction?*, Indiana University Alumni Association Executive Council, Indianapolis, IN, Dec. 9, 2006.
310. *The Identity Theft Epidemic: Fact or Fiction?* The Colloquium for Women of Indiana University, Indiana University Foundation, Bloomington, IN, Nov. 3, 2006.
311. *Sarbanes-Oxley and the Importance of Compliance, Data Privacy & Security*, International Quality & Productivity Center, Washington, DC, Jun. 22, 2006.
312. *What Next? The Frontiers of Privacy Law*, Seventh Annual Privacy Law Institute, PLI, New York, NY, Jun. 20, 2006.
313. *Privacy Law in North America*, Symposium on Personal Information Protection and Its Legislation, Institute of Law, Chinese Academy of Social Sciences, Beijing, Jun. 17, 2006.
314. *Information Privacy, Security, and Homeland Defense*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 5-9, 2006.
315. *The First Amendment and the Kinsey Institute*, 2006 Indiana Solo & Small Firm Conference, Indiana State Bar Association, Bloomington, IN, Jun. 2, 2006.
316. *The Legal Implications of a Data Security Breach*, Experian Law Conference, La Jolla, CA, May 2, 2006 (moderator),
317. *The Privacy and Security Policy Vacuum in Higher Education*, Safety, Security, and Privacy: The Politics of Surveillance, Technology Policy for a Flattening World, Policy 2006, EDUCAUSE Policy Conference, Washington, Apr. 25, 2006.

318. *Frederick Fisher Memorial Program: Consumer Privacy and Information Security: Does the Risk of Security Breaches Justify the Burden of Additional Safeguards?*, ABA Section of Business Law Spring Meeting, Tampa, FL, Apr. 7, 2006 (panelist).
319. *Keynote Address*, Safe Harbor Workshop, International Pharmaceutical Privacy Consortium, Washington, DC, Feb. 23, 2006.
320. *Impediments to a Global Privacy Solution*, Towards a Privacy Global Solution, United States Council for International Business. Washington, DC, Jan. 26, 2006.
321. *Privacy and Security: Intersection, Overlap or Conflict*, Cincinnati KnowledgeNet, Cincinnati, OH, Dec. 15, 2005.
322. *Using Law to Enhance Information Security: The Lessons From Information Privacy*, Information at Risk: Challenge and Conflict, Economic Crime Institute of Utica College 16th Annual Conference, Tyson's Corner, VA, Oct. 25, 2005.
323. *Security Breach Scenario*, Vision 2005, Experian, Phoenix, AZ, Oct. 24, 2005 (moderator).
324. *The Changing and Expanding Horizon of Risk*, Eli Lilly and Company HR Privacy Summit, Indianapolis, IN, Oct. 10, 2005.
325. *What Every Attorney Should Know About Privacy and Security*, Monroe County Bar Association Annual Meeting, Bloomington, IN, Sep. 30, 2005.
326. *The Role of Law in Building Networks of Trust*, Identity 2005, Dana Point, CA, Sep. 21, 2005.
327. *Security, Privacy, and Other Digital Challenges for the State: The Year Behind and the Year Ahead*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sept. 15, 2005.
328. *The Copyright Law "Balance,"* Elon University, Elon, NC, Sep. 12, 2005.
329. *Congressional Briefing on Information Security*, Wilmington, DE, Aug. 30, 2005.
330. *Information Privacy in the New Era: Control, Convenience, or Security?*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 9, 2005.
331. *Information Privacy and Security*, Lexis Information Policy Forum, Tysons Corner, VA, Jun. 8, 2005 (panelist).
332. *Information, Privacy, and Security*, The American Law Institute, Philadelphia, PA, Jun. 1-2, 2005.
333. *The Year Behind and the Year Ahead*, Sixth Annual Privacy Law Institute, PLI, Atlanta, GA, May 24, 2005.
334. *The Nature of Information Security Threats*, Briefing for the Information Security Committee of the Japanese Keidanren, Washington, DC, Apr. 14, 2005.
335. *Positioning Public Trust: Preserve and Protect*, Security in Motion, CERIAS 6th Annual Information Security Symposium, Purdue University, West Lafayette, IN, Mar. 24, 2005 (panelist).

336. *Data Sharing—Risks, Issues, and Realities*, IAPP National Summit 2005, International Association of Privacy Professionals, Washington, DC, Mar. 10, 2005 (panelist).
337. *Information Crisis Management*, Experian Law Conference, New Orleans, LA, Mar. 8, 2005 (moderator).
338. *The Failure of Fair Information Practice Principles, Is Consumer Protection an Anachronism in the Information Economy?*, Shidler Center for Law, Commerce + Technology, Seattle, WA, Mar. 4, 2005.
339. *Interconnectivity in Privacy*, HR Privacy Summit, Eli Lilly and Company, Indianapolis, IN, Jan. 31, 2005.
340. *ACCESS? Courts, Counsel and the Press in an Era of Privacy & Security*, Indiana University School of Law-Bloomington and the *Federal Communications Law Journal* CLE, Indianapolis, IN, Dec. 7, 2004 (moderator and organizer).
341. *Privacy, Access, and National Security*, Newspaper Association Managers 2004 Legislative Conference, Rosslyn, VA, Nov. 8, 2004.
342. *Forum on First Amendment Rights*, Ohio University, Athens, OH, Oct. 21, 2004 (panelist).
343. *Government, Industry and Security*, The Privacy and National Security Forum, International Association of Privacy Professionals, Washington, DC, Sept. 30, 2004 (panelist).
344. *From Profiling to Phishing: Information Privacy and Security in the Year Ahead*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sept. 16, 2004.
345. *Opportunities and Challenges of the Security-Privacy Tension*, HP Legal Privacy Group, Sept. 15, 2004 (teleconference).
346. *Briefing on Technology and Privacy Advisory Committee Report*, Committee on the Judiciary, U.S. House of Representatives, Washington, DC, Jul. 19, 2004.
347. *Data Mining Technologies, Counterterrorism Technology and Privacy: McCormick Tribune Foundation Cantigny Conference*, National Strategy Forum and American Bar Association Standing Committee on Law and National Security, Chicago, IL, Jun. 24-25, 2004.
348. *Accuracy, Privacy, and Other Financial Information Challenges*, Credit Industry Research Council Spring 2004 Conference, Point Clear, AL, Mar. 30, 2004.
349. *The Future of Fraud*, Experian Fraud Forum 2004, Amelia Island Plantation, FL, Mar. 16, 2004.
350. *Privacy, Secrecy, and Access to Public Information*, 2003 Newsroom Seminar, Hoosier State Press Association Foundation, Indianapolis, IN, Dec. 6, 2003.
351. *Terrorism, Technology, and Information Privacy: Finding the Balance*, Indiana University School of Law-Bloomington 21st Century Society Dinner, Indianapolis, IN, Oct. 17, 2003.
352. *Emerging Issues, Technology Litigation*, Indiana Continuing Legal Education Forum, Indianapolis, IN, Jul. 16, 2003.

353. *Information Privacy in the New Era: Control, Convenience, or Security?*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 1-6, 2003.
354. *Access to Public Information in the United States after September 11*, AP Managing Editors' Conference, Muncie, IN, May 17, 2003 (panelist).
355. *Financial Services Regulatory and Legislative Agenda Items*, Corporate Governance: Implications for Financial Services Firms, Proceedings of the Chicago Federal Reserve Bank's 39th Bank Structure Conference Chicago, IL, May 8, 2003.
356. *Life Online: Being a State Court Judge in a Networked World*, Spring Judicial College for Judicial Officers, Indiana Judicial Center, Indianapolis, IN, Apr. 24, 2003.
357. *The Privacy Problem*, National FOI Day Conference: Survival Strategies for an Embattled Right, Freedom Forum First Amendment Center, Arlington, VA, Mar. 14, 2003.
358. *Value of Information Sharing*, Capital One Legislative Issues Conference, St. Pete Beach, FL, Mar. 7, 2003.
359. *Understanding the New Regulatory Frontier*, Experian Fraud Forum 2003, Phoenix, AZ, Mar. 4, 2003.
360. *Copyrights and Wrongs*, Elon University, Elon, NC, Feb.15, 2003.
361. *Financial Privacy Symposium*, AEI-Brookings Joint Center on Regulatory Studies, Washington, DC, Jan. 8, 2003 (rapporteur).
362. *Privacy for Lunch: Beales and Cate on Privacy Policy and Practice*, Shook, Hardy & Bacon, Washington, DC, Dec. 11, 2002.
363. *Collection and Use of Credit Information and Protection of Citizens' Privacy and Commercial Secrets of Businesses*, Social Credit Workshop, Office of Legislative Affairs and Yale China Law Center, Beijing, Nov. 22-23, 2002.
364. *Privacy in an Age Without Information*, International Association of Privacy Officers Privacy & Data Security Academy, Chicago, IL, Oct. 17, 2002.
365. *Privacy Issues Facing the Pharmaceutical Research and Manufacturing Community*, Legal and Ethical Challenges for a Changing Health Care Industry, Indiana University School of Law—Indianapolis Center for Law and Health and Eli Lilly & Co., Indianapolis, IN, Oct. 15, 2002.
366. *Information Privacy and Security: The Year Ahead*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sept. 26, 2002.
367. *Information Privacy*, South Atlantic Regional Library Conference, Asheville, NC, Sept. 24, 2002.
368. *Media Coverage of War*, Elon University, Elon, NC, Sept. 17, 2002.
369. *The Price of Privacy*, Elon University, Elon, NC, Sept. 16, 2002.
370. *Anti-Marketing Efforts*, American Financial Services Association State Government Relations Forum, Chicago, Aug. 17, 2002.

371. *Information Privacy in the New Era: Control, Convenience, or Security?*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 9-14, 2002.
372. *Data and Democracy*, Institute of Advanced Legal Studies, School of Advanced Studies, University of London, London, May 15, 2002.
373. *Exporting Mission Critical Data to the U.S. and Data Surveillance Post-September 11*, Denton Wilde Sapte, London, Apr. 9, 2002 (panelist).
374. *The Cost of Privacy Protection: An Overview of Recent Research*, Understanding European E-Commerce Law, The Institute for European Studies of the Vrije Universiteit Brussel, the Research Centre for Computer and Law of the University of Namur, the Centre for Law, Public Administration and the Information Society of the Tilburg University, and the Hunton & Williams Center for Information Policy Leadership, Brussels, Feb. 21, 2002.
375. *Privacy and Online Commerce*, Fidelity Center for Applied Technology, Boston, MA, Nov. 29, 2001.
376. *Privacy Issues Briefing*, Republican Attorneys General Association, Washington, DC, Nov. 15, 2001.
377. *Privacy Issues in the Information Age*, Oklahoma 1st Amendment Congress: Technology and the 1st Amendment, Edmond, OK, Nov. 9, 2001.
378. *Privacy Issues*, Oklahoma 1st Amendment Congress: Technology and the 1st Amendment (Students and Educators Program), Edmond, OK, Nov. 8, 2001.
379. *The 1st Amendment and Technology*, Oklahoma 1st Amendment Congress: Technology and the 1st Amendment (Students and Educators Program), Edmond, OK, Nov. 8, 2001.
380. *Information Privacy and the War Against Terrorism*, The Federalist Society, San Francisco, CA, Nov. 2, 2001.
381. *Why Should We Care About Fraud Anyway?*, Vision 2001, Experian, San Antonio, TX, Oct. 22, 2001.
382. *Internet Privacy*, Fourth Annual Women in Law Conference, Indianapolis, IN, Oct. 19, 2001.
383. *Security vs. Liberty: Is There a Choice?*, New Republic Forum, Washington, DC, Oct. 18, 2001 (panelist).
384. *Information Privacy*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Oct. 18, 2001.
385. *Privacy in the Information Age*, Privacy & Data Protection Law: The Emerging Frontier, American Corporate Counsel Association, Cincinnati, OH, Oct. 4, 2001.
386. *Privacy Policies and Privacy Officers—A Roundtable Discussion*, Privacy & Data Protection Law: The Emerging Frontier, American Corporate Counsel Association, Cincinnati, OH, Oct. 4, 2001 (moderator).
387. *Data and Democracy*, Inaugural Herman B Wells Distinguished Lecture, The Society and the Institute for Advanced Study, Indiana University, Sep. 21, 2001.

- 388. *Healthcare Privacy—An Overview of the Policy Debate*, Healthcare Transactions and Code Sets, Privacy, Data Security and HIPAA/GLB Compliance, The Health Colloquium at Harvard and the HIPAA Summit Conference Series, Aug. 19-22, 2001.
- 389. *Principles for Protecting Privacy*, Making a Federal Case out of Health Care: Five Years of HIPAA, Cato Institute, Washington, Jul. 31, 2001.
- 390. *Identity Theft*, Conference of Western Attorneys General, Sun Valley, ID, Jul. 14-18, 2001.
- 391. *Privacy in the Electronic Age: Myth or Possibility*, Ninth Annual Noble County Cares Conference, Jul. 13, 2001.
- 392. *Privacy*, The 3rd Annual Financial Services Conference, The Financial Services and E-Commerce Practice Group of the Federalist Society, Washington, Jun. 27, 2001.
- 393. *The Identity Theft Conundrum*, Experian Fraud Forum 2001, Atlanta, GA, Jun. 19, 2001.
- 394. *The Price of Privacy*, Indiana Bankers Association 104th Annual Convention, Lexington, KY, Jun. 12, 2001.
- 395. *Control of Information*, Indiana University Annual Marketing Retreat, Bloomington, IN, Jun. 6, 2001.
- 396. *Privacy in Perspective*, American Enterprise Institute, Washington, Jun. 5, 2001.
- 397. *The U.S. Approach to Privacy Law*, Privacy Law: The Japanese and U.S. Experience, General Electric Japan, Ltd., Orix Corporation, Hitachi, Ltd., and Procter & Gamble Far East, Inc., Tokyo, Jun. 1, 2001.
- 398. *Serving Fund Shareholders in the Privacy Era*, Navigating the Changing Landscape—2001 General Membership Meeting of the Investment Company Institute, Washington, May 17, 2001 (panelist).
- 399. *Privacy and the Use of Personal Information*, Advisory Council Meeting, Credit Research Center, McDonough School of Business, Georgetown University, Chicago, May 17, 2001.
- 400. *Constitutional Issues in Information Privacy*, AEI-Brookings Joint Center for Regulatory Studies, Washington, May 15, 2001 (rapporteur).
- 401. *Privacy, Consumer Choice and Other Challenges in the Bush Administration*, Privacy Law Challenges 2001, Glasser Legal Works, Washington, DC, May 14, 2001.
- 402. *Privacy in the Information Age*, The First Annual Privacy & Data Protection Summit, Privacy Officers Association, Arlington, VA, May 4, 2001.
- 403. *The Privacy Avalanche, 2001: A Library Odyssey*, Indiana Library Federation Annual Conference, Indianapolis, IN, Apr. 11, 2001.
- 404. *Public Records Privacy*, American Society of Newspaper Editors Annual Convention, Washington, DC, Apr. 6, 2001.
- 405. *Privacy 101*, Experian 2001 Law Conference, Key West, FL, Mar. 27, 2001.

406. *South Carolina Legislative Briefing on Privacy*, American Legislative Exchange Council, Columbia, SC, Mar. 14, 2001.
407. *The Death of Privacy*, Sinai Sunday Evening Forum, Michigan City, IN, Feb. 18, 2001.
408. *Congressional Briefing on the Public Record: Social Security Numbers and Sensible Policies for the Information Age*, Coalition for Sensible Public Records Access, Washington, DC, Feb. 15, 2001.
409. *The Price of Privacy*, Iowa Bankers Association 2001 Management Conference Legislative Dinner, Des Moines, IA, Feb. 6, 2001.
410. *Privacy and Public Notice on the Internet*, 76th Annual Winter Newspaper Institute, North Carolina Press Association, Chapel Hill, NC, Jan. 26, 2001.
411. *Privacy—The Year Ahead*, Board of Directors, National Retail Federation, New York, NY, Jan. 16, 2001.
412. *Protecting Consumer Privacy*, Joint Meetings of the Telecommunications & Information Technology and Health & Human Services Task Forces, American Legislative Exchange Council, Charlotte, NC, Jan. 14, 2001.
413. *The Benefits of Information*, Financial Institutions and Privacy in 2001: What Financial Institution Representatives Need to Know for the Upcoming Legislative Season, Financial Services Coordinating Council, Washington, DC, Dec. 14, 2000.
414. *Protecting Consumer Privacy: Is More Legislation Really Necessary*, States & Nation Policy Summit, American Legislative Exchange Council, Washington, DC, Dec. 8, 2000 (panelist).
415. *CyberCrime: The Role of the FCC*, Union Board, Bloomington, IN, Nov. 20, 2000 (moderator).
416. *Privacy Roundtable*, American Enterprise Institute, Washington, DC, Nov. 17, 2000 (organizer and moderator).
417. *Privacy, Computers, the Internet and Related Technology*, Tomorrow's Troubles Today: Legal Issues Regarding Computers, Privacy, Bio-Technology and Ethics for the Non-Specialist, The Indiana Lawyer, Indianapolis, IN, Nov. 16, 2000.
418. *Information Privacy: Can the United States Learn Anything From Europe?*, Brooklyn Law School, Brooklyn, NY, Nov. 15, 2000.
419. *Is a Notice a Contract?*, Experian Consumer Advisory Council, Washington, DC, Nov. 14, 2000.
420. *The Future of E-Commerce in Germany and the United States—Protecting Privacy and Resolving Disputes*, American Institute of Contemporary German Studies, Berlin, Nov. 9-10, 2000 (organizer and moderator).
421. *Information Privacy—A Debate*, Household Finance Attorneys Conference, Chicago, IL, Nov. 3, 2000.

422. *Privacy Roundtable*, Privacy2000: Information, Security and Ethics in the Digital Age, Columbus, OH, Oct. 31, 2000 (panelist).
423. *Privacy and Public Records*, Privacy2000: Information, Security and Ethics in the Digital Age, Columbus, OH, Oct. 31, 2000 (moderator).
424. *Privacy in the Information Age*, Life Insurance Marketing Association, Atlanta, GA, Oct. 23, 2000.
425. *The Privacy Paradox*, National Newspaper Association annual convention, Louisville, KY, Oct. 6, 2000.
426. *Privacy—State and Corporate Responsibility*, Republican Attorneys General Association, Williamsburg, VA, Sept. 27-28, 2000.
427. *Privacy, Technology, and the Internet*, Indiana Law Update, Indiana Continuing Legal Education Forum, Indianapolis, IN, Sept. 14, 2000.
428. *Financial Privacy*, American Bankers Council, Washington, DC, Sept. 13, 2000 (panelist).
429. *The Internet, the Law, and the States*, Indiana Legislative Services Agency CLE Program, Indianapolis, IN, Sept. 12, 2000.
430. *Information Privacy: Recent Developments and Future Challenges for Insurers*, The American Council of Life Insurers Board of Directors Meeting, Carmel Valley, CA, Sept. 7, 2000.
431. *The Privacy Avalanche*, Thomson Consumer Electronics, Indianapolis, IN, Aug. 31, 2000.
432. *Privacy Issues Affecting Retailers*, 24th Annual Conference of State and National Retail Executives, National Retail Federation, Whistler, Canada, Aug. 21, 2000 (panelist).
433. *Business-to-Consumer E-Commerce Policy Issues*, Committee for Economic Development, New York, NY, Aug. 3, 2000.
434. *Trust and Privacy*, IBM Global Services' Academic Conference, Armonk, NY, Aug. 1-2, 2000 (panelist).
435. *Privacy and Public Records*, National Conference of State Legislatures Annual Meeting, Chicago, IL, Jul. 19, 2000 (panelist).
436. *International Data Protection in the E-Commerce World: U.S. and European Legal Considerations*, American Bar Association Consumer Financial Services Committee and the Conference on Consumer Finance Law, London, Jul. 17, 2000 (panelist).
437. *Regulatory Perspectives*, Privacy Symposium: "Compliance is Mandatory," American Council of Life Insurers, Washington, DC, Jul. 11, 2000 (panelist).
438. *Protecting Consumer Privacy*, House Republican Organizational Committee, Lake Chelan, WA, Jun. 23, 2000.
439. *Privacy Overview*, NAAG Summer Meeting, National Association of Attorneys General, Seattle, WA, Jun. 22, 2000 (panelist).

- 440. *The Future of Consumer Privacy*, National Retail Federation Executive Council, Washington, DC, Jun. 13, 2000.
- 441. *Financial Privacy*, Privacy in the Information Age, National Press Foundation, Washington, DC, Jun. 12, 2000 (panelist).
- 442. *Privacy Issues*, Third Annual Western State Legislators Conference, Women in Government, Salt Lake City, UT, Jun. 9, 2000 (panelist).
- 443. *Congressional Briefing on Internet Privacy: The Role of Government and Industry in Providing Consumer Empowerment*, IT Congressional Working Group and Information Technology Association of America, Washington, DC, Jun. 8, 2000 (panelist).
- 444. *Privacy in the Balance*, 2000 Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, May 31-Jun. 1, 2000.
- 445. *Building Public Trust for Successful E-Government*, National Governors Association and Governing Magazine, Denver, CO, May 31, 2000.
- 446. *Balancing Privacy Protection and Responsible Uses of Personal Information*, The Association of Life Insurance Counsel Annual Meeting, Greenbrier, WV, May 23, 2000.
- 447. *Congressional Briefing on Privacy*, Financial Services Coordinating Council, Washington, DC, May 17, 2000.
- 448. *Internet Privacy*, United States Senate Forum on Technology & Innovation, Washington, DC, Apr. 26, 2000.
- 449. *Financial Privacy*, TowerGroup Annual Financial Services Technology Conference, Boston, MA, Apr. 13-14, 2000 (panelist).
- 450. *What Does Condon v. Reno Really Mean?*, Experian Consumer Advisory Council, Richmond, VA, Apr. 11, 2000 (debate).
- 451. *Press Briefing for Washington Journalists on Financial Privacy*, Financial Services Coordinating Council, Washington, DC, Mar. 2, 2000.
- 452. *The Value of Information-Sharing*, American Bankers Association Privacy Task Force, Washington, DC, Mar. 1, 2000.
- 453. *The Fallacy of Opt-in*, Republican Caucus, California State Senate, Sacramento, CA, February 29, 2000.
- 454. *The Regulatory Environment*, Information Policy Leaders Institute Privacy Conference, Hunton & Williams and Experian, Atlanta, GA, Feb. 21-25, 2000 (faculty member).
- 455. *E-Commerce Seminar*, Ice Miller Donadio & Ryan, Indianapolis, IN, Jan. 28, 2000 (moderator).
- 456. *The Perils and Possibilities of E-mail Access*, Indiana Court of Appeals, Indianapolis, IN, Jan. 27, 2000.

- 457. *The Future of E-Commerce in Germany and the United States*, American Institute of Contemporary German Studies, Berlin, Jan. 20-21, 2000 (organizer and moderator).
- 458. *Public Record Data in a Privacy Environment*, Associated Credit Bureaus Executive Conference, Scottsdale, AZ, Jan. 12-14, 2000.
- 459. *Meeting of High-Level Experts on Electronic Signatures and Certification Authorities*, International Telecommunication Union, Geneva, Dec. 9-10, 1999 (chair).
- 460. *Rights, Rules, and Regulations*, The Future of Financial Privacy 1999, Competitive Enterprise Institute, Washington, DC, Nov. 30-Dec. 1, 1999.
- 461. *Public Records After Shelby*, Experian Consumer Advisory Council, Washington, DC, Nov. 18-19, 1999 (panelist).
- 462. *New State Consumer Privacy Initiatives*, Privacy and American Business Annual Conference, Washington, DC, Nov. 9-10, 1999.
- 463. *Privacy and the Regulation of Personal Information*, Credit Research Center's 25th Anniversary Conference, McDonough School of Business, Georgetown University, Washington, DC, Nov. 3-4, 1999.
- 464. *Privacy and the Use of Information*, Vision '99, Experian, Tucson, AZ, Oct. 6, 1999 (panelist).
- 465. *Protecting Your Knowledge in the Global Market: Adroit Use of Intellectual Property Laws*, Trade Laws: Maximizing Your Advantage at Home and Abroad, Indiana Global Business Conference Series, Indianapolis, IN, Oct. 4, 1999 (panelist).
- 466. *E-Mail*, Joint Summit of the Legal Profession, Indiana Judicial Center, Sep. 29, 1999.
- 467. *The Costs and Benefits of Privacy*, Joint Summit of the Legal Profession, Indiana Judicial Center, Sep. 29, 1999.
- 468. *Access to Public Records in Japan and the United States*, Presentation to the Honorable Representative and the Mayors of the Prefecture of Kumamoto, Kumamoto, Japan, Sep. 19, 1999.
- 469. *Copyright Law Update and the Digital Millennium Copyright Act*, 1999 Midwest Intellectual Property Symposium, Indianapolis, IN, Aug. 26-27, 1999.
- 470. *Privacy Update*, Washington Area State Relations Group, Washington, DC, Aug. 24, 1999 (panelist).
- 471. *Medical Records Confidentiality: A State and Federal Update*, National Conference of State Legislatures 1999 Silver Anniversary Annual Meeting and Exhibition, Indianapolis, IN, Jul. 27, 1999 (panelist).
- 472. *Public Records: A New Framework*, Experian Consumer Advisory Council, Schaumburg, IL, Jul. 15-16, 1999.
- 473. *Information Privacy*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 7-11, 1999.

- 474. *Genetics & Public Policy*; Privacy & Public Policy: Finding the Balance, National Conference of State Legislatures, Lake Tahoe, NV, May 26-28, 1999 (panelist).
- 475. *Through a Glass Darkly*, Natural Disasters and Policy Response in Asia, Harvard University Asia Center, Cambridge, MA, Apr. 30-May 1, 1999.
- 476. *The Changing Face of Privacy Protection in the European Union and the United States*, Law and Technology in the New Millennium: Closing the Gap, Indiana Law Review, Indianapolis, IN, Mar. 26, 1999.
- 477. *Privacy*, Experian 1999 Law Conference, Hilton Head, SC, Mar. 7-10, 1999 (panelist).
- 478. *U.S. Consumer Privacy Issues*, Privacy Risk Management in the Information Economy, Pricewaterhouse Coopers and Weil, Gotshal & Manges LLP, New York, NY, Feb. 25, 1998 (panelist).
- 479. *Patient Privacy*, Priority State Health Legislation for 1999, Institute for State Policy Studies, Ft. Lauderdale, FL, Jan. 15-17, 1999.
- 480. *Data Collection and Patient Privacy and Confidentiality*, State Medical Affairs Annual Meeting, American Medical Association, Tucson, AZ, Jan. 6-9, 1998 (panelist).
- 481. *Privacy and the Press: Where's the Balance?*, Society of Professional Journalists Annual Meeting, Los Angeles, CA, Oct. 23, 1998 (panelist).
- 482. *Privacy in the Information Age*, Consumer Credit Reporting World Conference: A Global Perspective on Consumer Information Issues, Rome, Italy, Oct. 18-20, 1998.
- 483. *Patient Confidentiality and Medical Privacy in the Year 2000*, 1998 State Government Affairs Section Annual Meeting, Pharmaceutical Research Manufacturers Association, Ft. Lauderdale, FL, Oct. 14-16, 1998 (panelist).
- 484. *Privacy Issues with Medical Information*, Legal Forum for Health Care Attorneys and Executives, 28th annual Indiana Hospital Attorney's Meeting, Indianapolis, IN, Oct. 9, 1998.
- 485. *Intellectual Property and Information Law Issues in the Digital Market*, International Public Relations Exchange, Indianapolis, IN, Oct. 9, 1998.
- 486. *Cloning and Confidentiality Legislation*, 1998 Pharmacy Relations Meeting, Pharmaceutical Research Manufacturers Association, Durham, NC, Sept. 2-4, 1998 (panelist).
- 487. *Protecting Privacy and Confidentiality*, Information Technology: The Promise and the Challenge, State Legislative Leaders Foundation and the University of North Carolina, Chapel Hill, NC, Jun. 25-28, 1998.
- 488. *Information Privacy*, 1998 Internet Legal Symposium, Institute for Information Industry Science and Technology Law Center, Taipei, Taiwan, Jun. 23-24, 1998.
- 489. *Intergovernmental Conference on Emergency Telecommunications*, Tampere, Finland, Jun. 15-18, 1998.

490. *Privacy in the Information Age*, American Society of Access Professionals, Washington, DC, May 14, 1998.
491. *Legal Pitfalls in Investigative Reporting*, Media Law Seminar, Hoosier State Press Association, Society for Professional Journalists, Indiana Broadcasters Association, and the Indiana Continuing Legal Education Forum, Indianapolis, IN, May 7, 1998 (panelist).
492. *Informal Consultations on the Draft Convention for the Provision of Telecommunication Resources for Disaster Mitigation and Relief Operations*, Geneva, Switzerland, Apr. 27-28, 1998 (chair).
493. *Digital Information and the Law*, American Bar Association Section on the Judiciary, St. Simon's Island, GA, Apr. 19-22, 1998.
494. *Fair Information Practices/Data Privacy: How We Got Here—Where We're Going*, Coalition of Service Industries, Washington, DC, Apr. 16, 1998 (conference chair).
495. *Briefing on U.S. Privacy Law for Ambassador Hugo Paemen*, Head of Delegation, European Commission Delegation to the United States, European-American Business Council, Washington, DC, Apr. 15, 1998.
496. *Privacy and Telecommunications*, Wake Forest Law Review Annual Business Law Symposium, Winston-Salem, NC, Apr. 3, 1998.
497. *Privacy in the Information Age*, Experian Consumer Advisory Council, Scottsdale, AZ, Mar. 26-27, 1998 (keynote address).
498. *Sovereignty and the Globalization of Intellectual Property*, Information Law and Commerce Institute, Bloomington, IN, Feb. 19-20, 1998 (organizer and moderator).
499. *Access to Government Information*, Privacy and American Business, Washington, DC, Oct. 23, 1997 (panelist).
500. *Privacy in the Information Age*, The Brookings Institution, Washington, D.C., Oct. 21, 1997.
501. *Privacy vs. Paranoia*, Your Right to Know Conference, Indianapolis, IN, Oct. 18, 1997 (panelist).
502. *Technology and Freedom: Security and Privacy in the Digital Economy*, The Wall Street Journal Technology Summit, New York, Oct. 15-16, 1997 (panelist).
503. *Trans-Border Data Flow Workshop*, American Institute for Contemporary German Studies, New York, Sept. 22, 1997 (panelist).
504. *Technology and the Law*, Indiana Judicial Conference, Indiana Judicial Center, Indianapolis, IN, Sept. 19, 1997.
505. *Copyright and Electronic Publishing*, History Journals and the Electronic Future, Organization of American Historians and American Historical Association, Bloomington, IN, Aug. 5, 1997.
506. *Digital Information and the Law*, Indiana Graduate Program for Judges, Indiana Judicial Center, Nashville, IN, Jun. 1-6, 1997.

507. *Free Speech in the College Community: A Conversation with Robert M. O'Neil*, Indiana University Schools of Law, Indianapolis, IN, Apr. 29, 1997 (moderator).
508. *An Overview of Existing Disputes and Emerging Challenges on the Internet*, Emerging Business Disputes Along the Information Highway, State Bar of Texas, Dallas, TX, Apr. 24-25, 1997.
509. *Privacy in the Age of Electronic Commerce*, The Brookings Institution, Washington, D.C., Apr. 9, 1997.
510. *Reaching the Public: Health Policy and the Media*, National Leadership Conference Communications Seminar, American Medical Association, Philadelphia, PA, Mar. 16, 1997.
511. *Caribbean Emergency Telecommunications Workshop*, Port-of-Spain, Trinidad and Tobago, Nov. 4-9, 1996 (speaker and rapporteur).
512. *The Media and the Nation's Health*, National Association of Physician Broadcasters 1996 Annual Awards Banquet, Miami, FL, Apr. 27, 1996.
513. *Children, Libraries, Sexually Explicit Expression, and the First Amendment*, Indiana Library Federation Annual Conference, Indianapolis, IN, Apr. 25, 1996.
514. *Controversies in Medicine—Death and Dying*, Orange County Medical Society and PBS, Orlando, FL, Apr. 14, 1996 (panelist).
515. *Telephone Companies, the First Amendment, and Technological Convergence*, Telecommunications Regulation in an Era of Convergence, DePaul Law Review, Chicago, IL, Mar. 1, 1996.
516. *Juries, Justice, and the Media—After O.J.*, Courtroom Television Network and The Annenberg Washington Program, Washington, DC, Jan. 23, 1996 (co-convener).
517. *Legal and Legislative Issues Affecting Organ Transplantation*, The Transplantation Kaleidoscope—4th annual Indiana University Organ Transplant Conference, Indiana University Medical Center, Indianapolis, IN, Jan. 9, 1996.
518. *Controversies in Medicine—Organ Transplantation*, Orange County Medical Society and PBS, Orlando, FL, Dec. 6, 1995 (panelist).
519. *U.S.-European Privacy Roundtable*, The Annenberg Washington Program, Washington, DC, Nov. 10, 1995 (moderator).
520. *Telecommunications Reform and Information Privacy*, Privacy and American Business, Washington, DC, Oct. 31, 1995.
521. *The Place of the Library in a Democracy: Legal Issues, Rights, and Responsibilities*, Indiana Public Library Association Leadership Conference, Nashville, IN, Oct. 4, 1995.
522. *First Amendment Rights of Business and Individuals*, 23rd Annual Telecommunications Policy Research Conference, Solomon's Island, MD, Sept. 30-Oct. 2, 1995.

523. *Inquiring Minds: the Right to Know vs. the Right to Privacy*, Media and the Mind: Shaping Political and Ethical Consensus in America, 1995 Johnston Scholars Issues Forum, University of North Carolina, Chapel Hill, NC, Sept. 26, 1995.
524. *First Amendment Issues on the Information Super Highway*, 9th Annual Computer & Information Law Institute, The University of Houston and the State Bar of Texas, Dallas, TX, Sept. 20-23, 1995.
525. *Copyright Liability in a High-Tech World*, Midwestern Intellectual Property Symposium, State Bar of Indiana and Indiana Continuing Legal Education Forum, Indianapolis, IN, Aug. 22-23, 1995.
526. *Panel on Intellectual Property Issues*, Partnerships in Networked Health Information for the Public, Department of Health and Human Services, Rancho Mirage, CA, May 14-16, 1995 (chair).
527. *The First Amendment and the Information Superhighway*, Emerging Business Disputes Along the Information Highway, State Bar of Texas, Houston, TX, May 4-5, 1995.
528. *Panel on Media and Fundraising*, InterAction Annual Meeting, Bethesda, MD, May 1, 1995 (chair).
529. *Copyright and Electronic Libraries*, Indiana Library Federation Annual Conference, Indianapolis, IN, Apr. 13, 1995.
530. *The First Amendment and the National Information Infrastructure*, Wake Forest Law Review Annual Business Law Symposium, Winston-Salem, NC, Mar. 24, 1995.
531. *Copyright and the First Amendment*, Forum on Digital Libraries, Library of Congress and The Annenberg Washington Program, Washington, DC, Mar. 17, 1995.
532. *From Conduit to Content: The Emergence of Information Policy and Law*, Federal Communications Law Journal and The Annenberg Washington Program, Washington, DC, Mar. 3, 1995 (moderator).
533. *Communications and Disaster Mitigation*, Meeting of the United Nations Scientific and Technical Committee, Washington, DC, Feb. 28, 1995.
534. *Panel on Media and Disaster Mitigation*, Meeting of the United Nations Scientific and Technical Committee, Washington, DC, Feb. 28, 1995 (moderator).
535. *Panel on Transplant Policy Making*, Joint Annual Meeting of the Division of Transplantation, Department of Health and Human Services, and the United Network on Organ Sharing, Washington, DC, Feb. 16, 1995 (moderator).
536. *Information Privacy*, 1995 Frontiers of Legal Thought Conference—Law in the Information Age: First Amendment, Privacy and Electronic Networks, Duke University School of Law, Durham, NC, Jan. 26-28, 1995.
537. *Media, Images, and Development Roundtable*, InterAction, Washington, DC, Jan. 24, 1995 (chair).
538. *Disaster Communications*, Humanitarian Crises, Policy Making, and the Media: Strengthening Interaction in the Electronic Age, Cambridge, MA, Dec. 10, 1994.

539. *Workshop on Intellectual Property in Networked Health Information*, Department of Health and Human Services and The Annenberg Washington Program, Washington, DC, Dec. 3, 1994 (co-convenor and moderator).
540. *In Search of the First Amendment: Free Speech and the First Amendment on the Internet*, Civil Liberties in Cyberspace: Constitutional Law on the Electronic Frontier, Indiana Civil Liberties Union, Bloomington, IN, Dec. 2, 1994.
541. *The First Amendment Denied*, Free Speech in a Democratic Society: Where do we Draw the Line?, University of South Florida, Tampa, FL, Nov. 18, 1994.
542. *Panel on Information Content, Intellectual Property, and Privacy*, International Information Superhighway Conference, American Bar Association Section of Science and Technology, Washington, DC, Oct. 20, 1994 (moderator).
543. *Disaster Communications and Development*, 17th annual Third World Studies Conference, Omaha, NE, Oct. 15, 1994.
544. *Information Privacy and the Public Interest*, The Annenberg Washington Program, Washington, DC, Oct. 6, 1994 (convenor and moderator).
545. *Current Transplant Legislation: Influence on Practice*, Advances in Transplantation, Anaheim, CA, Oct. 1, 1994.
546. *Legal Issues in Transplantation*, Advances in Transplantation, Anaheim, CA, Sep. 30, 1994.
547. *Disaster Communications*, National Academy of Sciences' Board on Natural Disasters, Woods Hole, MA, Sep. 16, 1994.
548. *Roundtable on the Media, Scientific Information, and Disasters*, United Nations World Conference on Disaster Reduction, Yokohama, Japan, May 24, 1994 (convenor and moderator).
549. *Rethinking Organ Transplant Policy*, University of Iowa College of Law, Iowa City, IA, Apr. 9, 1994.
550. *Information Policy Working Group*, The Annenberg Washington Program, Washington, DC, Mar. 14, 1994 (convenor and moderator).
551. *Human Organ Transplantation—Law, Legislation and Communications*, Transplantation: A Panoramic View, Indianapolis, IN, Jan. 14, 1994.
552. *Media, Development and Images of the Developing World Working Group*, International Federation of Red Cross and Red Crescent Societies, BBC, CNN, NPR, The Annenberg Washington Program, et al, London, Dec. 2-3, 1993 (convenor).
553. *An Analysis of the National Organ Transplant Act and Its Impact on the Current Transplant System*, Transplantation At the Crossroads: Managing the Major Federal Policy Changes Ahead, Transplant News, Washington, DC, Oct. 25, 1993 (moderator).
554. *Legal Issues in Non-Heart Beating Cadaver Organ Retrieval*, Consensus Conference on Fatal Trauma Victims and Organ Donation, Washington Hospital Center, Washington, DC, Oct. 7-8, 1993 (co-chair).

- 555. *Medical Ethics: Where Medicine and Society Merge*, American Medical Association, New York, Sep. 9, 1993.
- 556. *Media, Development and Images of the Developing World Roundtable*, International Federation of Red Cross and Red Crescent Societies, BBC, CNN, NPR, The Annenberg Washington Program, et al, Washington, DC, May 20, 1993 (co-convener).
- 557. *Technological Advances in the Courtroom*, Communicating With Juries, The Annenberg Washington Program, Washington, DC, Apr. 6, 1992 (moderator).
- 558. *Resolved: Columbus Discovered America*, The Oxford-Northwestern Debate in conjunction with the House Task Force on the Christopher Columbus Quincentennial, Washington, DC, Mar. 18, 1992 (chair).
- 559. *Global Information Policymaking and Domestic Law, Domestic Law Reforms*, The Globalization of Law, Politics, and Markets: Implications for Domestic Law Reform, Indiana University School of Law, Bloomington, IN, Mar. 7, 1993.
- 560. *Current Issues in Transplantation Ethics and Law*, Presidential Showcase Program—Organ Donation and Transplantation: What is the Lawyer's Role?, American Bar Association Annual Meeting, San Francisco, CA, Aug. 10, 1992.
- 561. *Public Health Promotion: How Far Dare We Go?*, Challenges in Personal and Public Health Promotion, Medicine for the 21st Century, American Medical Association, Rancho Mirage, CA, Feb. 5-8, 1992.
- 562. *The Use of the Media to Promote Health Behavior*, Freedom of Expression, Hollins Institute for Ethics and Public Policy, Roanoke, VA, Jun. 12-14, 1992.
- 563. *The Patient Self-Determination Act: Implementing the Education Requirements*, Communications and the Patient Self-Determination Act: Strategies for Meeting the Educational Mandate, American Association of Critical-Care Nurses and The Annenberg Washington Program, Washington, DC, Nov. 9-10, 1992.
- 564. *Current Developments in Advance Directives*, Patient Care Law Update: Rights, Liabilities and Strategies, American Bar Association, New Orleans, LA, Apr. 9-10, 1992.
- 565. *Health Care Decision-Making and Organ and Tissue Donation*, Annual Meeting of the Division of Organ Transplantation, Arlington, VA, Feb. 10-11, 1992.
- 566. *Communications and Culture: Should the United States Protect Cultural Resources*, National Endowment for the Arts and The Annenberg Washington Program, Washington, DC, Oct. 29, 1991 (convener and moderator).
- 567. *The Emerging Link: The Strategic Role of Telecommunications Services in Economic Development*, National Telecommunications and Information Administration, Department of Commerce, Houston, TX Mar. 20-23, 1991 (member of the organizing committee and participant).
- 568. *Panel on Political Correctness*, Indiana Civil Liberties Union annual conference, Sept. 28, 1991 (moderator).

- 569. *Obscenity and the Law*, Summer Workshop for Communications Faculty, Washington, DC, Jun. 5, 1991 (moderator).
- 570. *Visions of the First Amendment for a New Millennium*, The Annenberg Washington Program, Washington, DC and Chicago, IL, 1990-91 (series convener).
- 571. *Selecting Impartial Juries: Must Ignorance Be a Virtue in Our Search for Justice?*, The Annenberg Washington Program, Washington, DC, May 11, 1990 (co-convener).
- 572. *Increasing the Supply of Organs for Transplantation: The Role of Ethics and Law*, Transplantation and Communications in the '90s and Beyond, Medicine for the 21st Century, American Medical Association, Rancho Mirage, CA, Apr. 22-25, 1990.
- 573. *The Emerging Link: The Strategic Role of Telecommunications Services in Economic Development*, National Telecommunications and Information Administration, Department of Commerce, Atlanta, GA, Apr. 17-19, 1990 (member of the organizing committee and participant).

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